



Council

Notice of Meeting

Monday 16 July 2018

2.00 p.m.

**The Council Chamber
Elizabeth House
Church Street
Stratford-upon-Avon**

Members of the Council are requested to attend

Chairman: Councillor Christopher Kettle

Vice-Chairman: Councillor Penny-Anne O`Donnell

Councillors:

S Adams	M Gittus	E Payne
G Atkinson	S Gray	D Pemberton
J Barker	J Harris	P Richards
P Barnes	M Howse	D Riches
M C Brain	T Jefferson	K Rolfe
T Bromwich	D Kendall	C Saint
M Cargill	J Kerridge	S Thirlwell
A Crump	S Lawton	R Vaudry
J Feilding	C Mills	C Williams
J Fojtik	P Moore	H Wright
J Fradgley	L Organ	
M Giles	A Parry	

**Dave Webb
Executive Director
(Head of Paid Service)**

Elizabeth House, Church Street
Stratford-upon-Avon CV37 6HX

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NOTES

Notice of Recording of Council Meeting

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Public Participation

Members of the public may ask questions of Members of The Cabinet or Committee Chairmen at meetings of the Council at the specified point in the proceedings with, each questioner to be allowed no more than 3 minutes with a maximum of 15 minutes in total for this purpose.

In accordance with the Council's Constitution, question(s) may only be asked if notice has been given by delivering it in writing or by electronic mail to the Head of Paid Service no later than midday 2 clear (working) days before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Council to whom it is to be put.

At any one meeting no person may submit more than 2 questions and no more than two such questions may be asked on behalf of one organisation.

The Head of Paid Service may reject a question if it:

- is not about a matter for which the Council has a responsibility or which affects the District;*
- is defamatory, frivolous or offensive;*
- involves ongoing litigation or negotiations which the Council is engaged in;*
- is substantially the same as a question which has been put at a meeting of the Council in the past six months;*
- requires the disclosure of confidential or exempt information; or*
- is about a planning, licensing or standards matter involving an individual or applicant for permission.*

Recording of meetings by Press and the Public

Recording, filming and photography at meetings of the Council, which members of the public can attend is allowed as long as proceedings at the meeting are not disrupted. Recording is not allowed when the meeting has agreed to formally exclude the press and public due to the nature of business discussed. To minimise disturbance to others attending the meeting please switch your phone or other mobile device to silent mode.

Unless agreed otherwise in advance, recording and reporting must take place from the public seating area and should be overt and focused on those speaking at the meeting, not other members of the public.

COUNCIL

16 July 2018

AGENDA

Chairman's Welcome

1. Apologies for Absence

2. Disclosures of Interest

Members are reminded that, unless they have been granted a dispensation, if they have a Disclosable Pecuniary Interest in any matter as defined by Regulations made by the Secretary of State where the interest is theirs, their spouse's or civil partner's, or is an interest of somebody with whom they are living as a husband or wife or as if they were civil partners, they may not participate in any discussion of or vote on the matter and must also leave the room for the duration of the matter. They must also disclose the interest if it has not yet been entered on the Authority's register unless it is a sensitive interest.

3. Minutes

(Pages 1 - 52)

To confirm and sign the Minutes of the meetings held on 24 April and 16 May (Annual Council) 2018.

Items for Reference by the Council

4. Announcements

5. Former Leader of the Council - Vote of Thanks

The Council to record its thanks to the former Leader of the Council, Councillor Christopher Saint.

6. Public Participation (Questions by the Public)

To receive questions from the public to members of The Cabinet or Committee Chairman, notice having been given in accordance with Council Procedure Rules.

Matters for determination by the Council

To determine the following items referred to the Council from Committees.

7. Statutory Appointment - Head of Paid Service

(Pages 53 - 54)

To consider the appointment by Council of the future Head of Paid Service (Statutory Post).

8. Constitution Update

(Pages 55 - 136)

To consider amendments to The Constitution.

The Cabinet 4 June 2018

9. Minute 49 - General Data Protection Regulation (GDPR)

(Pages 137 - 138)

To consider the recommendations from The Cabinet as contained in Minute 49.

10. Minute 50 - Notice of Motion - Corporate Priorities (Pages 139 - 140)

To consider the recommendations from The Cabinet as contained in Minute 50.

The Cabinet - 2 July 2018

11. Canal Quarter Regeneration Zone Framework Masterplan Supplementary Planning Document (Pages 141 - 144)

To consider the recommendations from The Cabinet as contained in Minute 135.

Audit and Standards Committee 25 June 2018

12. Minute 121 - Community Governance Review for Gaydon Lighthorne Heath (Pages 145 - 146)

To consider the recommendation from Audit and Standards Committee as contained in Minute 121.

Matters for noting by the Council

13. Committee Reports - For information only

To receive the reports of the following meetings of Committees held on the dates indicated below. An electronic link to these documents has been sent to all Members and they are available on the Council website:

1. Audit and Standards Committee –16 May and 25 June 2018
2. Employment and Appointments Committee – 16 May, 15 and 20 June 2018
3. Overview and Scrutiny Committee – 4, 18 April, 16 May and 6 June 2018
4. Regulatory Committee – 16 May 2018
5. The Cabinet –23 April, 4 June and 3 July 2018

Other items

14. Questions

To receive any questions (restricted to a maximum of 2 per Councillor) submitted by Councillors, in accordance with Council Procedure Rules.

Copies of the questions and the answers will be circulated at the meeting.

15. Questions to the Leader

The Leader to receive any questions from Councillors, in accordance with Council Procedure Rules, as below:

- a) Up to 30 minutes will be allowed at each meeting;
- b) A Councillor is permitted to speak for no more than three minutes;
- c) A Councillor may ask no more than two questions, with each question to be taken in turn;

- d) Questions must relate to the work of the District Council; and,
- e) No question shall be allowed if it relates to a question asked at the same meeting.

16. Motions on Notice

Notice of the following Motion has been received in accordance with Council Procedure Rules.

The following motion will be proposed by Councillor Fradgley and seconded by Councillor Rolfe.

Council requests The Cabinet to commission a brief report on the future possible uses of the land between the Leisure Centre car park and the Fisherman's car park, in Stratford-upon-Avon.

Part of this site is understood to have been previously used as a tip for the town and is now overgrown with scrub and much of it is poorly maintained.

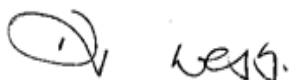
A brief report is requested to examine:

- *possible uses of the land, which should identify those parts of the site that currently serve a useful purpose in providing biodiversity and which should therefore be protected;*
- *ownership of the various parts;*
- *a high level estimate of the costs of any possible changes; and,*
- *sources for possible grants towards improvements, including in particular grants from the Communities Landfill Fund.*

In accordance with Council Procedure Rules, the Chairman to report that the Motion, once proposed and seconded, will be referred to The Cabinet for consideration and report without debate.

17. Urgent Business

To consider any business which, in the opinion of the Chairman, is urgent in accordance with the provisions of Section 100B (4) of the Local Government Act 1972.



EXECUTIVE DIRECTOR (HEAD OF PAID SERVICE)

Please note: *The next meeting of the Council is scheduled to take place on*
Monday 15 October 2018

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COUNCIL

24 April 2018

MINUTES

*Held at Council Chamber, Elizabeth House, Stratford-upon-Avon
Meeting commenced: 2.00 p.m. meeting ended: 5.05 p.m.*

Present: The Chairman of the Council (Councillor George Atkinson) in the Chair

COUNCILLORS

S Adams	J Fojtik	D Kendall	A Parry
J Barker	J Fradgley	J Kerridge	E Payne
P Barnes	M Giles	C Kettle	P Richards
M C Brain	M Gittus	S Lawton	D Riches
T Bromwich	S Gray	C Mills	K Rolfe
M Cargill	J Harris	P Moorse	S Thirlwell
A Crump	M Howse	P O`Donnell	R Vaudry
J Feilding	T Jefferson	L Organ	C Williams

Apologies: D Pemberton, C Saint and H Wright

901. Disclosures of Interest

Councillor Gittus, Payne and Cargill – Minute 909 (Bid no 5) – as members of Alcester Town Council indicated they would speak but not take part on the vote.

902. Minutes

The Minutes of the Council Meeting held on 26 February 2018 were confirmed and signed.

903. AnnouncementsChairman of the Council

The Chairman of the Council reported on the following:

- The Leader was in hospital and the Chairman and Councillors wished him a speedy recovery;
- The celebrations for Shakespeare Birthday held over the weekend he had attended and the success of the inaugural Living Statues competition, which had attracted many people; and,
- The retirement of Alan Sheepy, Democratic Services Officer

Following his announcements, The Chairman congratulated a member of staff who had completed 25 years' service to the Council and presented their Certificate.

Deputy Leader of the Council

- The Deputy Leader reported on a Chinese delegation he had met over the Shakespeare Birthday weekend, where he had given an update on

the Sanweng project and reported their intention that the whole project would be open to the public in 2020.

Executive Director (Head of Paid Service)

- The Executive Director reported on the notification received of the death of former Councillor D Colbourne, Member of this Council for the Alcester Ward 1986-1990. Condolences were offered to his family and friends.

Altered Order

In the interests of the efficient conduct of the business, items were considered in a different order from that set out in the agenda. These Minutes represent the order in which they were considered.

904. Public Participation (Questions by the Public)

The following items were raised under this heading:

1. Dr Manuela Perteghella asked

In view of the implementation of the new 'settled status' for non-UK EU nationals in the Autumn, will the Council support its EU citizens by organising an advice & information event in collaboration with representatives of the 3million advocacy group, Citizen Advice officers and Home Office officials, therefore taking a proactive role in reassuring non-UK EU nationals who made Stratford-on-Avon their home, that their contribution to the economic and cultural life of the town and district is fully valued in this uncertain time?

Councillor Richards (Housing and Infrastructure Portfolio) responded as follows:

The District Council welcomes visitors from overseas whether they are on holiday or remaining in the district and contribute to the flourishing local economy. No doubt many of those migrating here from the EU over the past decade and longer will have some degree of uncertainty following the announcement on 'settled status', however they may also need support and guidance to enable them to navigate the process and remain in the UK. As we recognise the important role played by this group the Council would be happy to meet with representatives of the 3million advocacy group, and other relevant community leaders to ensure that we explore the role that the council could play in ensuring a smooth transition to the 'settle status' for those effected.

<https://www.gov.uk/guidance/status-of-eu-nationals-in-the-uk-what-you-need-to-know>

<https://www.the3million.org.uk/>

2. David Gosling asked

In 2017 the garages previously owned by Orbit Housing were sold to Secure Parking and Storage. The Stratford Herald article 24 July 2017 stated that the District Council received £1m from the sale of the unwanted garage sites.

Already there have been planning applications (Bidford 17/03423/FUL and Alcester18/00009/FUL) for the demolition of some garages and conversion into housing.

I ask the Council to:

- explain how the garage sites were and are determined as unwanted;
- state any contractual obligations to ensure that the garages, provided for rental by the residents of the affordable housing for whom they were originally built, were appropriately marketed before applying to demolish them; and
- confirm how much the District Council will gain in addition to the £1m when the sites are on-sold for development at additional profit.

To assist in the consideration of levels of appropriate marketing I offer the following experiences from residents of Kineton who have tried to rent one of the 36 garages in St Peter's Road:

- rental charges are in excess of £50/month
- attempted contact through the detail on Secure Parking and Storage website (email and phone) is not responded to
- contract terms, where offered, give only 28 days' notice of termination
- the physical state of the garages which suggest dereliction and un-occupancy.

Councillor Organ (Finance and Physical Resources Portfolio) responded as follows:

In 1996, the Council undertook a Large Scale Voluntary Transfer (LSVT) of its housing stock to South Warwickshire Housing Association. Under the terms of the LSVT agreement between the Council and South Warwickshire Housing Association (now Orbit) the Council is entitled to receive a proportion of Right to Buy receipts from Housing and 50% of the net income from the sale of garages.

The Council was notified by Orbit in that there was a growing issue in relation to the condition and use of the existing garage stock and that it was their intention to sell them. Under the terms of the LSVT agreement the Council cannot prevent Orbit from selling these garages, simply that the Council needs to be informed.

As part of the budget process the £1.4m that the Council has received in relation to its share of the disposal receipts has been ring-fenced for future housing related expenditure.

3. Howard Blessington, on behalf of Alveston Villagers Association, asked

Inclusion of the Eastern Relief Road in the Stratford Transport Strategy has been the subject of much controversy for the following reasons;

- As advised by Stratford District Council, it is not required for the current Core Strategy;
- It creates the inevitability of major new development in south east Stratford despite the fact that exactly the same development was rejected by residents and businesses in the Strategic Housing Allocations Referendum of 2014;
- Such development will generate approximately 20,000 additional vehicular trips per day on Stratford's road network- much of this in the inter-peak period as well as the peak;
- No meaningful analysis has ever been presented to residents and businesses in support of an Eastern Relief Road, such as the changes in

town centre traffic levels, delays across Clopton Bridge or operational impacts generally on the network;

- SDC has never acknowledged the inevitability of extra development in south east Stratford despite the Consultation documentation saying that developers would pay for the new infrastructure;
- No work was presented to residents at Consultation which demonstrated the outcomes to be achieved by this new road; its environmental, social and operational impacts; nor the risks which it would also create, such as being the catalyst for unwanted development;
- No line for the ERR was presented in the Consultation documents meaning that people who may be physically affected by the route have still been given no information on where the road is likely to go or what its impacts will be;
- Warwickshire County Council's own traffic model analysis shows that the Eastern Relief Road with associated development will make traffic conditions worse on the local road network in terms of additional congestion, lower speeds and greater delay per vehicle.

Given these arguments against the need to take premature action by including the Eastern Relief Road in the Transport Strategy, can the Leader please explain what the benefits and impacts of an Eastern Relief Road are and why these have not been presented in any publicly available documentation to date?

Councillor Richards (Housing and Infrastructure Portfolio) responded as follows:

The Transport Strategy is a high level framework which identifies a wide range of projects that would benefit the management of traffic in the town and provide improvements to other means of travel besides the private car. An Eastern Relief Road has been identified in the Strategic Transport Assessment produced when preparing the Core Strategy as offering significant benefits in achieving these objectives.

Traffic modelling has shown that an Eastern Relief Road delivered alongside the development and infrastructure contained within the Core Strategy would improve traffic conditions on the local highway network, reducing congestion and journey times. There is no suggestion at the current time that an Eastern Relief Road will be accompanied by development.

The Transport Strategy makes it clear that a detailed assessment of an Eastern Relief Road will need to be carried out should the scheme be taken forward in the future. This would involve a rigorous analysis of its effectiveness, environmental impact and cost, based on a specific alignment.

The Strategic Transport Assessment dated July 2015 has been a public document and available to view on the District Council's website since October 2015 when it was submitted to the Inspector examining the Core Strategy.

In response to a supplementary question, Councillor Richards stated that whilst there was no planned development to the east, modelling had been undertaken in order to future proof for such a case and with the aim of applying for Government funding up front.

4. Dave Peregrine, on behalf of Stratford Residents Action Group (SRAG), asked

Is the proposed South Western Relief Road (SWRR) a public road or private initiative?

Councillor Richards (Housing and Infrastructure Portfolio) responded as follows:

The road was originally promoted through the Core Strategy process by CALA Homes to support the implementation of a new settlement at Long Marston Airfield – in that respect it originated as a private initiative. However, it now forms part of the District Council’s adopted Core Strategy which provides for and manages development and its impacts in the public interest. The road will have wider benefits to the public and will of course be open for all members of the public to use – so in that respect it is a public road.

Responding to a supplementary question, Councillor Richards informed that the transfer from CALA Homes to a public highway was a Warwickshire County Council decision.

5. Martin Grubb, on behalf of Tiddington Village Residents Association (TVRA), asked

The inclusion of the Eastern Relief Road (ERR) in the Stratford Transport Strategy has raised many questions and concerns not only locally in the village but across the wider community of south Stratford for the following reasons:

- a. Firstly there has been a lack of transparency, with no data provided on the proposed route, impacts or risks at the time of consultation;
- b. Data has only been put on the website in the last few weeks, thus not enabling full and complete analysis by all interested parties. This is, in our view, not the most professional of approaches;
- c. At a public meeting, organised by the TVRA, the leader of Warwickshire County Council, clearly stated that the road was not a serious proposition; indeed it was apparent that its inclusion was an afterthought;
- d. It overrides the wishes of local people from the 2014 referendum who were very clear in rejecting the development the ‘southern Stratford sector’;
- e. The consultation process which didn't focus on the key issues and only referenced the ERR in passing as the necessary requirement for a weight limit on Clopton Bridge rather than as a seriously considered option in its own right;
- f. We are surprised to learn that a developer’s consultant was used to advise the council as we believe that such a major review of this nature should be clear of any ‘potential conflicts of interest’; and,
- g. The effectiveness of the road and benefits of the road will be ‘neutralised’ and outweighed by the additional traffic it generates. In addition it will have a serious impact on the flood plain (if the full version is developed).

Given the above issues what is the haste to include an ERR when a full and detailed ‘needs analysis’ has yet to be presented and fully explained to the whole Stratford community?

Councillor Richards (Housing and Infrastructure Portfolio) responded as follows:

Further to my response to Mr Blessington's question, the inclusion of an Eastern Relief Road in the Transport Strategy would provide the basis for further feasibility and options appraisal to be undertaken. This would include exploring potential funding opportunities.

The involvement of the consultant referred to was requested by Nadhim Zahawi MP so that he could input his considerable experience and knowledge of transport planning into the process of preparing the Strategy. He is a retired transport planner and there is no evidence of him having any conflict of interest during his involvement.

Councillor Richards responded to a supplementary question stating that the modelling for the Eastern Relief Road formed part of the Core Strategy Transport Assessments which had been carried out in 2015 and that the documents had been available since that time.

6. Roger Hollerton asked

Cala Homes 2014 "Vision" document shows a staged development to a final total of 3,500 houses by the year 2037. The schedule also shows the Western Relief Road being completed by 2022, i.e. five years after site access and at the time of completion of 900 houses.

This provides a timeline for planning and implementing all the road and transport infrastructure needed to serve "Greater Stratford" when Long Marston is completed, a date which could reasonably now be taken to be between 2040 and 2045.

This request for information is that the Council state:

- What road and other transport infrastructure enhancements are planned to be implemented by the time of the completion of the Long Marston project - i.e. as being deemed necessary to serve the core (Stratford) and the new peripheral (Long Marston) populations? and:
- What are the population growth and traffic growth/traffic mix assumptions around which these (i.e. 2040 - 2045) plans are constructed?

Councillor Richards (Housing and Infrastructure Portfolio) responded as follows:

It is assumed that the question relates to the South Western Relief Road rather than the Western Relief Road. This road needs to be opened before more than 400 dwellings can be built at Long Marston Airfield.

A range of highway improvements in and around Stratford-upon-Avon are likely to be required as a result of the Long Marston Airfield new settlement development. Such schemes will be identified in the Transport Assessment that will be submitted with the planning application for the remaining 3100 dwellings at the airfield.

The District Council's Infrastructure Development Plan also identifies a range of projects to the road network in the town to help alleviate the impact of current

and forecast growth in traffic, eg. Birmingham Road and various junctions within and on the edge of the town.

Assumptions regarding population growth and traffic growth/traffic mix will also be set out in the Transport Assessment.

7. Diane Brennan asked

The SWRR is a concrete flyover rising above the Greenway, the River Avon and the surrounding fields. For almost a mile it is an elevated structure, reaching a height of 40 metres (higher than the top of the RSC Observation Tower) by Stannals Bridge and the picnic spot on the banks of the Avon.

How does this square with the legal right to a treasured public view? It will violate views from at least 3 key resident and tourist amenities: the River Avon, the Greenway and the River Avon Trail. These are all immense assets which the town actively promotes.

Treasured public views are protected by our planning laws:

'The case law is very clear on this (loss of view) both under planning law and private case law that in normal circumstances there is rarely a legal right to a private view although if the view is a public view for example a 'treasured view of a specific landscape' this can constitute a valid planning consideration. Where a public view of a heritage asset is involved such as a view of a Listed Building or a public view within a Conservation Area again this can constitute a material planning consideration'. Stratford-on-Avon Planning Department, May 2017.

Councillor Richards (Housing and Infrastructure Portfolio) responded as follows:

At the highest point the road carriageway will be approximately 9m above the Greenway and approximately 12.5m above ground level (measured from the north bank of the river). The top of the larger arch will be approximately 32.5m above ground level (also measured from the north bank of the river).

The total elevated length for the viaducts and bridge is about 900 metres. In addition, most of the first 300m are also elevated using earth embankments (rising from existing ground to the arches), and there is similarly an earth embankment transition at the southern end.

The impact of the South Western Relief Road on the landscape character and visual amenity of the surrounding area will be fully assessed as part of the planning application that is likely to be submitted in May. In addition to this the impact on heritage assets, including the setting of Listed Buildings and Conservation Areas, will also be assessed as part of the planning application. All these issues will be taken into account in the determination of the planning application.

8. John Brennan asked

What ongoing expense figure have the authorities allowed for, in connection with the maintenance of proposed attenuation tanks (circa 5 acres of land) going forward, considering that these areas will have to be maintained once the developers have finished.

Councillor Richards (Housing and Infrastructure Portfolio) responded as follows:

It is assumed that the question refers to the proposed drainage basins that will serve the South Western Relief Road. It is anticipated that the cost of maintaining the drainage basins will be built into the commuted sum that will be agreed between Warwickshire County Council and CALA when the road is adopted – if it is granted planning permission.

Councillor Richards stated, in response to a supplementary question, that costs could not be given at present as they would be ongoing throughout the process.

9. Richard Thomas asked

Will the so called Western Relief Road, that will it seems form part of the yet to be commenced housing development between the Evesham and Alcester Roads, be up to the same standard as the so called South Western Relief Road.

Councillor Richards (Housing and Infrastructure Portfolio) responded as follows:

The County Council as highway authority has confirmed that both roads have been designed and will be built to the same standard, ie. 7.3 metre carriageway as required for a strategic road.

Councillor Richards responded, to a supplementary question, that he did not consider that the road had been changed from the original design.

10. Mike Hardwick asked

Given that the SWRR (if built) will be a major road then please can the Council give my family a commitment that:

1. This devastating and ill-considered road will have a safe place for my children to cross to allow them to walk to school and access the pedestrian walkway near the main entrance to the racecourse?
2. That Luddington and Luddington Road will have no increase in traffic due to the creation of rat-runs down Luddington Road? Under no circumstances should the creation of the SWRR put lives at risk on the peaceful and the currently safe and quiet Luddington Road.

Councillor Richards (Housing and Infrastructure Portfolio) responded as follows:

Both matters will be addressed through the planning application process. The Highway Authority has requested the submission of a Road Safety Audit Stage 1 as part of the planning application, in accordance with the Warwickshire Local Transport Plan.

11. Jon Warrender, on behalf of Luddington Parish Council, asked

It is understood that Stratford-on-Avon District Council cannot confirm who will be liable to pay compensation to those Luddington residents who will be blighted

by the proposed South West Relief Road and in any case it is mooted that this will be valid only after the proposed road has been open for one year.

The proposal is said to be in construction between three to five years. Therefore The Parish Council want to know what steps will be put in place to relieve residents of their property during these years of construction should they need to sell due to personal ill - health or financial difficulties. Surely you cannot expect residents to be prisoners in their property during such circumstances?

Councillor Richards (Housing and Infrastructure Portfolio) responded as follows:

As per my response to Councillor Giles (Councillor Questions), this Council published a statement in relation to Blight and Compensation over a month ago and wrote to all properties along the proposed route of the SWRR with that information.

Within that document, a commitment was given to local residents that the District Council will consider the scope for paying compensation due to the uncertainty around the construction of the South Western Relief Road. Officers have been instructed to explore the potential means of doing so. Mechanisms for assessing the principle and specific circumstances are still being considered and it is not possible to put a timescale on when the outcome will be known.

In addition to the above, the following questions which had been submitted under Councillor Questions Minute * below were now asked.

1. Councillor Giles asked:

There are a number of reasons why it may not be possible for the South-West Relief Road to go ahead, for example, it does not receive planning approval or because it proves financially unviable for the developer to deliver a road in this location in the event that government funding does not come forward. Given this, what is the Council doing to explore alternative routes/traffic management strategies as a contingency plan to enable the housing at Long Marston Airfield to be delivered?

Councillor Richards (Housing and Infrastructure Portfolio Holder) responded as follows:

The basis of the Long Marston Airfield new settlement allocation in the adopted Core Strategy is inextricably linked with the South Western Relief Road as identified on the Policies Map, and that was the basis for the Examination Inspector's Final Report. For that reason, it cannot be assumed that Proposal LMA can be implemented if the road scheme to be promoted in the planning application is found to be unacceptable by the District Council or its Planning Committee in determining the application, or if the cost of the road is not financially viable.

Should it not be possible to implement Long Marston Airfield (other than the initial 400 dwellings) as currently allocated in the Core Strategy because this road cannot be delivered [Note: Proposal LMA is specific about the South Western Relief Road running from Shipston Road to Evesham Road and to link with the West of Shottery Relief Road], it is likely that the District Council will need to undertake an immediate review of the Core Strategy to consider options for providing that scale of development.

In response to a supplementary question, Councillor Richards stated that whilst all options had been considered, the South West Relief Road was deemed to be the most viable and deliverable option. If alternatives were put forward they would be considered but they would have to be viable and deliverable.

2. Councillor Giles asked:

Residents of Luddington Road and Stannells Close are being asked to tolerate, for the supposed wider public benefit, the prospect of a flyover literally metres from their homes. We are elected to make people's lives better not worse. Who will compensate these residents and when?

Councillor Richards (Housing and Infrastructure Portfolio Holder) responded as follows:

This Council published a statement in relation to Blight and Compensation over a month ago and wrote to all properties along the proposed route of the SWRR with that information.

Within that document, a commitment was given to local residents that the District Council will explore the scope for paying compensation due to the uncertainty around the construction of the South Western Relief Road. Officers have been instructed to investigate the potential means of doing so. Mechanisms for assessing the principle and specific circumstances are still being considered and it is not possible to put a timescale on when the outcome will be known.

Councillor Richards, in response to a supplementary question, stated that a timescale had been produced and that there was a legal framework that had to be worked within.

3. Councillor Rolfe asked:

At the last Council meeting in February, in answer to a question, Councillor Richards stated that he would seek an update the following day on the safeguarding of land south of the Campden Road junction with the SWRR for a park and ride facility.

Would he please tell me the current position on this?

Councillor Richards (Housing and Infrastructure Portfolio Holder) responded as follows:

The provision of further park and ride facilities serving the town is identified in the Stratford-upon-Avon Area Transport Strategy.

To date no detailed work has been undertaken on this matter. Reference has been made by various parties about the potential opportunity to provide a park and ride facility on the south side of Stratford-upon-Avon and a number of possible locations have been suggested in relation to the South Western Relief Road. At this point in time it is not possible to say what the optimum site would be in this area, and whether such a facility will be promoted as this will be dependent on a commitment from the County Council to engage in this project with the support of a bus operator to run a service. On that basis, no land has been safeguarded for this purpose.

Responding to a supplementary question, Councillor Richards indicated that he had no concerns in applying for funding with a view to conducting a Feasibility Study into a park and ride facility on the South Western Relief Road.

905. Minute 798 - Stratford-upon-Avon Area Transport Strategy

Consideration was given to the recommendations from The Cabinet as contained in Minute 798 of its meeting held on 12 March 2018.

The Monitoring Officer advised the meeting of the procedure to be followed for consideration of the Transport Strategy. On presentation of the Strategy it was proposed by Councillor Richards and seconded by Councillor Thirlwell that Recommendation (1) from The Cabinet be put and requested that a recorded vote be taken.

Recommendation (1) was then put to the vote, resulting as follows:

RESOLVED:

- (1) That the Stratford-upon-Avon Area Transport Strategy be added to the list of Council Plans and Strategies within Part 3 of the Constitution to allow the Council to endorse it, and

For the proposal 26 votes

(namely, the Chairman, the Vice-Chairman, Councillors Adams, Barker, Barnes, Brain, Bromwich, Cargill, Crump, Feilding, Fojtik, Gittus, Gray, Jefferson, Kendall, Kerridge, Lawton, O'Donnell, Organ, Parry, Payne, Richards, Riches, Thirlwell, Vaudry and Williams)

Against the proposal None

Abstentions 7 abstentions

(namely, Councillors Fradgley, Giles, Harris, Howse, Mills, Moorse and Rolfe)

It was then proposed by Councillor Organ and seconded by Councillor Rolfe that recommendation (2) be amended to read as follows:

That despite the many representations that have been put forward, The Council recognises that the Stratford-upon-Avon Transport Strategy has been prepared as a potential addendum to the Warwickshire Local Transport Plan 2011-2026. Given that context, The Council supports the need for a transport strategy and notes that the Stratford-upon-Avon Area Transport Strategy report concludes that the Eastern Relief Road is not needed to accommodate the established growth.

The Council also notes that Stratford-upon-Avon is a relatively small town in a large rural area and the working pattern of the District's population is one where commuting plays a large part. The age profile of the population also inhibits the use of alternative forms of transport. It is vital that any proposed strategy demonstrates clearly how dependency on the motor car will be reduced without having a significant adverse impact on residents.

Therefore, The Council resolves that the Stratford-upon-Avon Area Transport Strategy be endorsed, subject to the deletion of point 2 on page 20 (The Eastern Relief Road); the removal of point 1 on page 37; and subject to further work being carried out into ways in which dependence on the motor car can be reduced.

The amendment was then put to the vote resulting as follows:

For the proposal 22 votes

(namely, the Vice-Chairman, Councillors Adams, Barker, Cargill, Feilding, Fradgley, Giles, Gittus, Gray, Harris, Howse, Jefferson, Kendall, Lawton, Mills, Moore, Organ, Parry, Payne, Rolfe, Thirlwell and Williams)

Against the proposal 10 votes

(namely, the Chairman, Councillors Barnes, Brain, Bromwich, Fojtik, Kerridge, O'Donnell, Richards, Riches and Vaudry)

Abstentions 1 abstention

(namely, Councillor Crump)

The following further amendment to the substantive motion was then proposed by Councillor Giles and seconded by Councillor Fradgley:

1. Reference to "the South-West Relief Road" is replaced by "A relief road in the South-West".
2. Policy 2, measure 1 on page 21 is deleted and replaced with "A relief road in the south-west in a location which is assessed by Warwickshire County Council (as the Highway Authority) as providing the maximum traffic benefits with the minimum harm possible to the environment and any proximate residents (by considering alternative lines/routes).

The amendment was then put to the vote resulting as follows:

For the proposal 8 votes

(namely, Councillors Barker, Barnes, Fradgley, Giles, Harris, Mills, Moore and Rolfe)

Against the proposal 15 votes

(namely, the Chairman, Adams, Cargill, Crump, Gittus, Gray, Kendall, Kerridge, Lawton, O'Donnell, Payne, Richards, Riches, Thirlwell, Vaudry)

Abstentions 10 abstentions

(namely, the Vice-Chairman, Councillors Brain, Bromwich, Feilding, Fojtik, Howse, Jefferson, Organ, Parry, Williams)

The amendment was declared lost

The substantive recommendations were then put to the vote resulting as follows:

For the proposal 28 votes

(namely, the Chairman, Vice-Chairman, Councillors Adams, Barker, Barnes, Brain Bromwich, Cargill, Crump, Feilding, Fojtik, Gittus, Gray, Howse, Jefferson, Kendall, Kerridge, Lawton, O'Donnell, Organ, Parry, Payne, Richards, Riches, Rolfe, Thirlwell, Vaudry and Williams)

Against the proposal 4 votes

(namely, Councillors Giles, Harris, Mills and Moore)

Abstentions 1 abstention

(namely Councillor Fradgley)

Thereafter, it was

RESOLVED:

- (2) That despite the many representations that have been put forward, The Council recognises that the Stratford-upon-Avon Transport Strategy has been prepared as a potential addendum to the Warwickshire Local Transport Plan 2011-2026. Given that context, The Council supports the need for a transport strategy and notes that the Stratford-upon-Avon Area Transport Strategy report concludes that the Eastern Relief Road is not needed to accommodate the established growth.

The Council also notes that Stratford-upon-Avon is a relatively small town in a large rural area and the working pattern of the District's population is one where commuting plays a large part. The age profile of the population also inhibits the use of alternative forms of transport. It is vital that any proposed strategy demonstrates clearly how dependency on the motor car will be reduced without having a significant adverse impact on residents.

Therefore, The Council resolves that the Stratford-upon-Avon Area Transport Strategy be endorsed, subject to the deletion of point 2 on page 20 (The Eastern Relief Road); the removal of point 1 on page 37; and subject to further work being carried out into ways in which dependence on the motor car can be reduced.

The meeting then adjourned to allow those members of the public in attendance to leave the meeting if they wished.

Councillor Mills did not return to the meeting.

906. Constitution Update

In line with recent changes that had been made to the Leaders Statement, the Council was presented with suggested updates to the Constitution to reflect those changes.

The options open to Council were to:

1. Accept the proposed changes as submitted in the Appendix to the report;
2. Accept a modified version of the proposed changes; or
3. Not accept any proposed changes to the Constitution.

Following discussion it was

RESOLVED:

- (1) That the proposed changes to the Constitution as detailed in the Appendix to the report be approved: and
- (2) That the Monitoring Officer be authorised to amend the Constitution in accordance with the Appendix to the report.

907. Minute 640 - Notice of Motion - WCC Children's Centre

The Council was presented with the decision taken by The Cabinet under the provisions of Minute 640 in respect of the Notice of Motion in the names of Councillors Fojtik and Barnes under which it was agreed that no further action be taken on the motion as proposals had moved on since the Motion had been originally tabled. Councillors Fojtik and Barnes addressed the meeting in response.

Following discussion, it was

RESOLVED:

That no further action be taken on the Notice of Motion.

908. Minute 874 - Snitterfield Neighbourhood Development Plan

Consideration was given to the recommendations from The Cabinet as contained in Minute 874 (2017/18) of its meeting held on 9 April 2018.

RESOLVED:

- (1) That the Snitterfield Neighbourhood Development Plan be made/adopted with immediate effect with the consequence that it becomes part of the Development Plan for Stratford-on-Avon District; and,
- (2) That Council congratulates the Snitterfield Neighbourhood Development Plan Team on their work in the report to be presented to Council.

909. Minute 875 - Funding on Corporate Priorities

Consideration was given to the recommendations from The Cabinet as contained in Minute 875 (2017/18) of its meeting held on 9 April 2018.

Following discussion and in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 a recorded vote was taken and accordingly, it was

RESOLVED:

That the priorities identified in Appendix 1 to the Minutes of the meeting of The Cabinet held on 9 April 2018 be supported and that £2.545m be made available for those priorities from the Council's General Fund Reserves.

For the proposal 26 votes

(namely, the Chairman, the Vice-Chairman, Councillors Adams, Barker, Barnes, Brain, Cargill, Feilding, Fojtik, Fradgley, Giles, Gray, Howse, Jefferson, Kendall, Kerridge, Lawton, Moore, Organ, Parry, Richards, Riches, Rolfe, Thirlwell, Vaudry and Williams)

Against the proposal 0 votes

Abstentions 4 votes
(namely, Councillors Fojtik, Fradgley, Moore and Wright)

Councillor Crump, Kendall and O'Donnell left the meeting at this point.

910. Minute 876 - Notice of Motion - 2017 Air Quality Annual Status Report

Consideration was given to the recommendations from The Cabinet as contained in Minute 876 (2017/18) of its meeting held on 9 April 2018 in respect of the Notice of Motion in the names of Councillors Fradgley and Rolfe.

Following discussion, it was

RESOLVED:

- (1) That the suggested responses to the specific questions raised in the Notice of Motion, as outlined in the preamble to Minute 876 (2017/18), be agreed as the formal response to the Motion; and
- (2) That a detailed Action Plan be prepared by the Council in due course.

911. Minute 877 - Notice of Motion - Housing Mix

Consideration was given to the recommendations from The Cabinet as contained in Minute 877 (2017/18) of its meeting held on 9 April 2018.

Following discussion, it was

RESOLVED:

That the approach identified, in the preamble to Minute 877 to place the onus on the applicant to fully justify any variation and include relevant information and evidence with the expectation that the wording will be included in the final version of the Supplementary Planning Document when the consultation ends on the 20 April 2018, be agreed as the formal response to the Motion

912. Delivery of Affordable Housing - options

Consideration was given to the recommendations from The Cabinet as contained in Minute 898 (2017/18) of its meeting held on 23 April 2018.

Following discussion it was

RESOLVED:

- (1) That the strategic objectives as set out in the preamble to Minute 898, be approved;
- (2) That The Cabinet be authorised to establish a Housing Delivery Company, subject to its approval of a further detailed business case to include the governance arrangements for that company; and
- (3) That the creation of further companies, as required, in order to support the Housing Delivery Company subject to the prior approval of individual business cases by The Cabinet be agreed.

Councillor Gray left the meeting at this point

913. Committee Reports - For information only

By individual resolutions, the Minutes of the undermentioned meetings on the dates indicated were received and adopted:

1. Audit and Standards Committee – 26 March 2018
2. Employment and Appointments Committee – 10 April 2018
3. Overview and Scrutiny Committee – 7 March 2018
4. Regulatory Committee – 6 April 2018
5. The Cabinet – 12 March and 9 April 2018

914. Councillor Questions

1. Councillor Gittus asked:

In light of the recent revelations from the social media site 'Facebook' with regard the ability for them to collect and re-distribute the data and details of all users, has this Council satisfied itself that its use of the communication platform is safe for the Authority and most importantly does not compromise the public that access us in this manner?

Councillor Thirlwell (Deputy Leader, Performance and ICT Portfolio) responded as follows:

This Council has limited Facebook accounts to only those officers and services requiring one for work related matters. They are password controlled and only certain officers can access them. The transactions on these accounts should not include personal details. The Council has a Social Media policy for all staff and members who have their own personal Facebook accounts (which the Council

cannot control) to try to ensure that officers and Councillors do not disclose any information that may bring the Council into disrepute.

2. Councillor Vaudry asked:

In May 2015 the Conservatives won a landslide victory in the Stratford-on-Avon District Council Elections – in part on the back of a Manifesto which included the following:

“We will:

- Strive to keep the level of Council Tax at the current low level
- Continue our close working relationships with neighbouring councils to identify cost savings
- Facilitate the creation of at least 500 new jobs a year across the district
- Continue to work with developers to ensure a significant number of affordable houses are built across the district
- Build on the recent “traffic summits” sponsored by Nadhim Zahawi MP and, with partner organisations, help develop a range of measures to tackle traffic congestion across the district
- Press for the A46 to become a dual carriageway from the Longbridge roundabout through to Alcester
- Identify key transport routes requiring improvements to highway safety and help ensure those improvements are made
- Seek to increase the number of safe cycle routes throughout the district and actively promote cycling and venues for cyclists to eat and drink
- Investigate innovative options to help fund the Stratford town park-and-ride, including assessing the economic viability of the “Boris bike” model for Stratford and other towns in the district
- Investigate sustainable ways of introducing direct links between Stratford and Birmingham Airport/NEC
- Ensure matched funding is in place to facilitate the rollout of superfast broadband across the district
- Seek to roll out “free Wi-Fi” in our town centres
- Continue to partner with Shakespeare Birthplace Trust to identify a site for a landmark museum dedicated to the life and works of William Shakespeare
- Evaluate the impact of making each town centre more pedestrian friendly (while allowing access for bicycles, park and ride buses, mobility scooters and licensed taxis)
- Promote and support regular markets in each town centre
- On current evidence, retain and enhance the existing aviation facilities at Wellesbourne Airfield
- Continue to support local opposition to HS2 - but if the line does go ahead, champion residents seeking proper protection both financially and against the impact of construction works
- Identify sites for new secondary schools on the south-side of the River Avon and support the enhancement of existing schools
- Continue to invest in leisure facilities across the district
- Continue our support for the voluntary sector

A year ago when a similar question was asked, a “generous” interpretation of the responses suggested that at best some progress had been made, but not enough.

Given we are now three years into a four year election cycle can we please get an update on the progress that has been made on each of these election pledges. Specifically I wish to know what action has been taken since the

question was last put to facilitate progress on executing each pledge, what progress has been made since May 2015, how much money (where necessary) has been allocated to facilitate the election pledge since May 2015 and what probability can be placed on the chances of each pledge being successfully executed ahead of the next District Council Elections in 2019?"

Councillor Thirlwell (Deputy Leader) responded as follows:

Further to my response in July last year I thank Councillor Vaudry for the further opportunity to update Council on the excellent progress which is being made in implementing our Manifesto. For each of the headings you have provided I will provide a short response:

- **Strive to keep the level of Council Tax at the current low level**

The Council considered the position in relation to Council Tax at the meeting in February this year with restraint in relation to Council Tax increases a key priority. The Council had the ability and indeed Government expected the Council to increase Council Tax by £5.00, however, due to careful financial management a much lower increase of 1% or £1.36 was agreed by those members attending.

- **Continue our close working relationships with neighbouring Councils to identify cost savings**

We have continued to work closely with our neighbouring local authorities where it is in the interest of the Council to do so, and have shared arrangements in place for a range of services including parking, payroll, ICT, Internal Audit and business rates. Since my last response I can now add Information Governance, with a joint appointment made with Warwick District Council in the last couple of months.

- **Facilitate the creation of at least 500 new jobs a year across the district**

The economy is a key issue of the Council and one that continues to perform strongly, a recent study completed by Warwickshire County Council identified that the SDC economy has seen the 3rd highest increase across all local authority areas and has grown 3 times higher than the national average. However, we must not become complacent I was therefore pleased that through the Strategic Review the need for a dedicated Economic Development Strategy was identified, this is scheduled for completion later this year.

- **Continue to work with developers to ensure a significant number of affordable houses are built across the District**

I am extremely pleased with the performance in this area, the last three years have been the best ever for the provision of affordable housing. Whilst I am not in a position to release the final figure yet for 2017/18, I can announce that this has been a record year with over 350 affordable houses being provided. I am sure Councillor Vaudry will agree that this is an excellent result for the District.

- **Build on the recent "traffic summits" sponsored by Nadhim Zahawi MP and, with partner organisations, help develop a range of measures to tackle traffic congestion across the District**

Whilst I agree that the document has taken some time to develop and then consult upon, the Transport Strategy has been produced and was discussed earlier on this agenda.

- **Press for the A46 to become a dual carriageway from the Longbridge roundabout through to Alcester**

The Council is represented on the A46 partnership. The A46 Partnership has been established to produce a strategy to deliver planned infrastructure improvements to the A46 between M5 Junction 9 and M6/M69 at Coventry.

The route provides a strategic link between the East Midlands, Bristol and the South West, offering an important alternative to the A42/M42 for traffic travelling between the M1 and the M5. The route consists of a mixture of single, wide single and dual carriageway sections. This current inconsistency in standard leads to a poor end to end journey experience for users, and limits the strategic value of the route. The A46 Partnership (Member) group has been formed to develop a collective understanding of the increasing strategic role of the A46 in supporting the Midlands and wider UK economy, and to make a clear case for investment by Government in the A46 corridor to support future growth and address known congestion and safety issues.

In 2017 it published a prospectus (available to view at www.stratford.gov.uk/infrastructure) to seek funding to deliver improvements, including upgrading to 'expressway' standards. The group is continuing to engage with Highways England and Transport for West Midlands.

- **Identify key transport routes requiring improvements to highway safety and help ensure those improvements are made**

Highways authority has responsibility in this area and we are aware that they are considering such schemes as Portobello Crossroads on the Fosse Way within the District. Warwickshire County Council conducts regular analysis of reported injury collisions and uses this data to prioritise safety schemes on the highway network. The Council will continue to work with the County Council on this issue.

- **Seek to increase the number of safe cycle routes throughout the District and actively promote cycling and venues for cyclists to eat and drink**

As identified the last time I responded to this question the Council's adopted Core Strategy provides planning guidance in this area and this remains a priority area. The Transport Strategy identifies a number of new cycling routes to be developed within the town and to link it to visitor destinations in the wider area.

- **Investigate innovative options to help fund the Stratford town park-and-ride, including assessing the economic viability of the "Boris bike" model for Stratford and other towns in the District.**

This remains a key priority for the District; at the meeting of the Cabinet in November 2017 the following resolution was agreed:

"That the principle of providing a Public Cycle Hire Scheme within Stratford-upon-Avon be endorsed and expressions of interest for the provision of such a Scheme be sought."

I am very pleased to report that progress has been made on this issue and that the Council will be in a position to announce the successful operator in the next couple of weeks.

- **Investigate sustainable ways of introducing direct links between Stratford and Birmingham Airport/NEC**

This still remains a key priority for the Council; the County Council is working with regional partners to consider options for improving transport connectivity between key locations in Warwickshire, including Stratford, and UK Central which includes HS2, Birmingham Airport and the NEC. The County Council hopes to be in a position to report on this work later in 2018/19. The Stratford-upon-Avon Area Transport Strategy identifies the provision of additional services between Stratford-upon-Avon and Solihull. Such services would access the proposed improvements to public transport connections from Solihull town centre to Birmingham Airport/NEC as well as the proposed HS2 International Station.

In addition, the Council has continued to lobby the WMCA to introduce a direct rail solution from Stratford-upon-Avon to Birmingham Airport. This message was reinforced in a meeting with the Mayor's representative last month. The Council is in dialogue with the Mayor's office to arrange a visit to further explore this priority.

It is worth noting that the dedicated coach service that the Council was investigating with a local coach operator was found to be unviable, however, it does demonstrate that the Council is investigating this issue.

- **Ensure matched funding is in place to facilitate the rollout of superfast broadband across the District**

This has been achieved with the Council investing a further £485,000 in the BDUK project. However, it is evident that even after this investment there will still be areas of the District which are not covered by superfast broadband. It is for this reason that a proposal to invest a further £500,000 through the "Funding of Corporate Priorities" is being considered on this agenda. The particular broadband initiative that the Council will be pursuing relates to wireless broadband and discussions have already commenced with potential suppliers who are already operating within the District.

- **Seek to roll out "free Wi-Fi" in our town centres**

As mentioned in the previous response this issue has been investigated and we did examine the possibility of incorporating into the roll out of the "big-belly" solar compactors.

- **Continue to partner with Shakespeare Birthplace Trust to identify a site for a landmark museum dedicated to the life and works of William Shakespeare**

As Councillor Vaudry will recall, a progress report was provided to The Cabinet at its meeting on 5 June 2017, where the infrastructure priorities for the District were discussed. At this meeting the following position from the Shakespeare Birthplace Trust was reported:

"at the request of Shakespeare Birthplace Trust, further work needs to be undertaken in relation to the World Shakespeare Centre and therefore this

project will be put on hold for the time being. Therefore, four projects are now considered to be a priority."

This remains the position in relation to this project, however, the Council it committed to taking work forward should the trust change their position.

- ***Evaluate the impact of making each town centre more pedestrian friendly (while allowing access for bicycles, park and ride buses, mobility scooters and licensed taxis)***

This particular issue is linked to the Transport Strategy item which has been produced and was discussed earlier on this agenda.

- ***Promote and support regular markets in each town centre***

A new markets contractor has been appointed to deliver markets on behalf of the Council, with enhanced offerings, which include:

- *Rother Street Market – Fridays and Saturdays throughout the year*
- *Victorian Christmas Market – 7 to 9 December 2018*
- *Specialist Markets – 15 special markets during 2018, including:*
 - *"Summer on Henley Street"*
 - *Wonderland Market on Waterside and Bancroft Gardens Tuesday 7 to Thursday 9 August 2018*
 - *National Youth Market Friday 31 August and Saturday 1 September 2018*
 - *Waterside Frigate Festival - 30, 31 October and 1 November 2018*
- ***On current evidence, retain and enhance the existing aviation facilities at Wellesbourne Airfield***

The Council has taken direct action to protect and preserve Wellesbourne Airfield; this was considered at the meeting of the Cabinet on 12 December 2016. The Council within the adopted Core Strategy supported the continuation of this facility and it remains a priority for the Council.

- ***Continue to support local opposition to HS2 - but if the line does go ahead, champion residents seeking proper protection both financially and against the impact of construction works***

Stratford-on-Avon District Council officers supported individuals and Parish Councils during the petitioning process both locally and in Westminster at the Select Committee for HS2 whilst the High Speed Rail (London-West Midlands) Bill was being considered by Parliament. The petitioning process resulted in a number of changes and a register of Undertakings and Assurances which must be adhered to by HS2.

The HS2 Act sets out explicitly the grounds on which Local Planning Authorities may impose conditions on the approval of any requests, or exceptionally may refuse requests. These are typically limited to the following:

That the design or external appearance of the works ought to, and could reasonably, be modified

- a. to preserve the local environment or local amenity,*
- b. to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or*

- c. *to preserve a site of archaeological or historic interest or nature conservation value.*

Stratford-on-Avon District Council is operating this process in the public's interest whilst working within a Planning Memorandum which stipulates the relationship between the local planning authorities and HS2.

HS2 are running several schemes to help communities affected by the development of the railway. These include a scheme of compensation for those who are subject to prolonged disturbance resulting from HS2 construction, a Community and Environment fund and a Business and Local Economy Fund.

- **Identify sites for new secondary schools on the south-side of the River Avon and support the enhancement of existing schools**

As Councillor Vaudry will be aware a site has been identified within the Local Marston Garden Village for the provision of a secondary school.

- **Continue to invest in leisure facilities across the District**

The Council is being asked to consider two specific initiatives today in relation to investment in the leisure facilities for the District.

Firstly, a further £250,000 is being requested to complement the same figure that has already been provided within the Capital Programme for the refurbishment of the leisure facilities in Alcester, when the asset is in the control of the Council.

Secondly, Council is also being asked to provide £600,000 for the provision of a new gym at Studley Leisure Centre. Through improving the offering at this facility it is also expected that the result will be a lower on-going running cost for the Council making the facility more viable into the longer term.

This investment comes following the recent £5m improvements which were made to Stratford Leisure and Visitor Centre.

- **Continue our support for the voluntary sector**

The Council has not only continued with the support to the voluntary sector, but has enhanced the resources which are provided. Within the budget approved by Council in February was a further £18,600 towards the Citizens Advice South Warwickshire. This additional support will enable them to expand their court desk service from 2.5 days a week to full time to meet the unprecedented increase in demand for their service.

Councillor Vaudry asked that the Deputy Leader inform the Leader of the Council that he intended to raise the same question in a year's time.

3. Councillor Vaudry asked:

Following confirmation that the Police Inspectorate has down-graded Warwickshire Police's performance from "good" to "requiring improvement" and Cllr Jefferson's (who is Chair of the South Warwickshire Community Safety Partnership and Portfolio Holder in charge of Community Safety) statement (reports in the Stratford Herald 5th April 2018) that "it is important that people in my role and responsibilities are not afraid to act as a critical friend" [to the police], could he please set out what he has done (when representing this

Council) as a critical friend to the police to try to help limit the decline in the Police's performance? In particular could he provide a record of Minutes of Meetings highlighting his contributions?"

Councillor Jefferson (Health and Community Safety Portfolio Holder) responded as follows:

The key ways in which I act as a critical friend are through the following:

- *As a member of the Police and Crime Panel - to scrutinise and support the work of the Police and Crime Commissioner. The experience I have of these meetings is that the level of scrutiny and challenge is robust. The last meeting on 19th March focused heavily on the quality of the performance data reported. The meeting on the level of the police precept was similarly robust with a strong focus on getting a clear understanding of police numbers (the Minutes to these meetings are publically available);*
- *As chair of the South Warwickshire Community Safety Partnership (CSP) to determine the priorities and strategy to address crime and disorder (the Strategic Assessment provides the evidential basis for this purpose). The last meeting on 25th January saw a very wide ranging discussion and debate, particularly around the inclusion of anti-social behaviour and rural crime as priorities, and the impact of drugs on crime;*
- *As chair of the South Warwickshire CSP Board to monitor performance against CSP agreed priorities; and,*
- *As a member of the countywide Safer Warwickshire Partnership Board.*

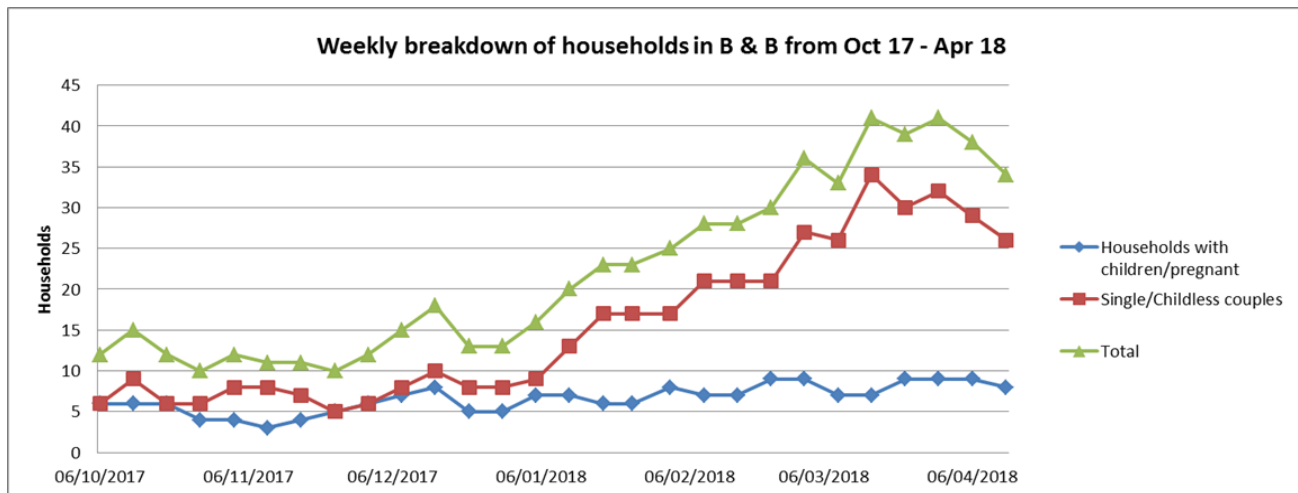
In response to a supplementary question, Councillor Jefferson assured that a clear message would be sent to the Police and Crime Commissioner should the performance from Warwickshire Police remain as 'requiring improvement' in twelve months' time.

4. Councillor Fradgley asked:

Would the Portfolio Holder please supply me with the figures for the numbers of people accommodated in bed and breakfast by this Council for each of the last six months, splitting the figures between adults and children?

Councillor Richards (Housing and Infrastructure Portfolio Holder) responded as follows:

The information below includes the impact of the prolonged spell of cold weather when the Council triggered the Severe Weather Protocol to protect rough sleepers. Councillors will see that B&B usage for families including children has remained relatively constant over this period. The reduction shown over recent weeks is a result of a number of targeted actions initiated by the service.



Councillor Fradgley indicated that she did not have a supplementary question, but asked that she have a discussion with Councillor Richards outside of the meeting on the response to her question.

5. Councillor Fradgley asked:

On 30 March the Government announced a £30 million fund to help reduce rough sleeping. Is this Council eligible to bid for such funding and, if so, is it the intention of this council to do so?

Councillor Richards (Housing and Infrastructure Portfolio Holder) responded as follows:

The recent press release from The Ministry of Housing, Communities and Local Government did reveal that Councils in England with high levels of rough sleepers will soon receive a share of a new £30m fund. The press release also confirmed.

- *The creation of a new Government task force made up of rough sleeping and homelessness experts, drawn from, and funded by government departments and agencies with specialist knowledge across a wide-range of areas from housing to mental health and addiction;*
- *Councils with high numbers of rough sleepers will benefits from this £30m fund, with the task force helping to develop tailored solutions for problems in those areas; and*
- *£100,000 funding to support frontline Rough Sleeping workers across the country to make sure they have the right skills and knowledge to work with vulnerable rough sleepers.*

The Council has not received any other information directly from the Ministry on this funding. Consequently officers have made approaches and a response is still awaited. Councillor Fradgley can be assured that should this Council be entitled to bid for this fund, an application will be made to assist with the Councils ongoing work in this area.

As a supplementary question, Councillor Fradgley enquired as to whether a reasonable sum of money would be bid for and obtained, and Councillor Richards responded that he was hopeful was that this would be the case.

6. Councillor Wright asked:

In an 'Investment Prospectus' issued by the West Midlands Combined Authority in March at the MIPIM Property Conference in Cannes, southern France, twenty 'Investment opportunities' were highlighted. Only one – the Redditch Gateway – was partly in this district – and even that was primarily Redditch driven, to meet the planning requirements of Redditch.

Is this District getting an appropriate share of investment support from the WMCA?

Councillor Saint (Leader of the Council) responded as follows:

As Councillor Wright is aware the Council is a non-constituent member of the West Midlands Combined Authority and as such this gives the Council full access to all of the debates and discussions within the working groups and board meetings. Through the WMCA the Council has consistently lobbied for improvements to the transport infrastructure within the WMCA area which would benefit our district. Specific representations have been made in relation to rail connectivity between Stratford and Birmingham/Birmingham airport.

The WMCA have appointed authority leads and they have nominated Neil Rami. Mr Rami has visited the Council recently to understand our issues, in addition arrangements are being made to host a visit of the Mayor to also press our case.

7. Councillor Moorse asked:

Consultation on the Development Requirements Supplementary Planning Document has now ended. Section 10.8, J10 states that 'if a viability assessment is submitted in relation to a valid planning application, then the council will treat the submission as a public document'.

Can we have an assurance from The Leader that until a final decision is reached on this SPD, the above statement will be treated as emerging guidance on policy and all viability statements will from today's date be open to public inspection?

Councillor Saint (Leader of the Council) responded as follows:

The SPD reflects the desire of Members of this Council to make viability assessments public. However, the SPD is still in draft form and may change as a result of the consultation exercise. As such it has limited weight at this stage. In making any assessments public, the Council must also have regard to data protection law. However, I would certainly hope that in due course we can make these assessments public in the interests of transparency.

8. Councillor Rolfe asked:

Page 61 of The Cabinet agenda for 9 April (Minutes of the Leader's Policy Advisory Group 20 March) states that 'officers had identified a number of land parcels on the edges of Stratford upon Avon and the Main Rural Centres as potential reserve housing sites'.

Would the Portfolio Holder please provide a list of those sites identified?

Councillor Saint (Leader of the Council) responded as follows:

This work is related to the update of the Strategic Housing Land Availability Assessment (SHLAA). This is a technical piece of work that includes an assessment of land parcels on the edges of Stratford-upon-Avon, Main Rural Centres and Local Service Villages to gauge their availability, suitability and achievability for housing development, in accordance with government guidance. The SHLAA is an evidence based study and does not identify reserve sites but, once completed, will be used alongside other evidence and assessment to assist the District Council to identify reserve housing sites in the Site Allocations Plan. As this technical work is ongoing, it would not be appropriate to provide a list of sites at this time although I do anticipate that the SHLAA will be published during Summer 2018.

In response to a supplementary question on who had identified the parcels of land, the Deputy Leader agreed to relay the question to the Leader of the Council for a response once he was fully recovered.

9. Councillor Wright asked:

Will the Leader please tell me what consultation with this Council there has been over the past six months on the local Sustainability and Transformation Plan for the NHS?

Councillor Jefferson (Health and Community Safety Portfolio Holder) responded as follows:

The Council has participated in two meetings which have been hosted by the combined Coventry and Warwickshire Health and Wellbeing Forums, under the banner of the "Place Forum" which was designed to take forward the Sustainability Transformation Plan with partners. What is in essence a pilot for the District will commence shortly. We will be in a much stronger position to make effective comments and input once we understand how the proposals work in practice.

Of particular concern to the Council were the plans surrounding the Oxfordshire Clinical Commissioning Groups (OCHG) intent to reduce services provided at the Horton Hospital. Whilst the Judicial Review that the Council supported was not successful, the referral to the Secretary of State for Health, contributed to a review by the Independent Reconfiguration Panel (IRP). The result of the IRP is that the OCCG will have to reconsider its plans and undertake further consultation. The IRP also states "... it is self-evidently in the interests of the health service locally that all stakeholders should feel they have been involved in the development of proposals for change"

10. Councillor Moore asked:

The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Bill would allow local authorities to increase the council tax on properties that have been empty for more than two years to double the normal amount.

If the Bill is passed, will this Council make this change as soon as possible?

Councillor Riches (Enterprise and Revenues Portfolio Holder) responded as follows:

The Bill is continuing its passage through Parliament. The latest information is that if the legislation is passed it will be included as part of the Annual Billing process for 2019.

11.Councillor Fojtik asked:

What actions by the Council have been made thus far to progress the Gateway project. The frontage on the Birmingham road still lies derelict. What can this Council do to tackle an issue that has been there for nearly two decades?

Councillor Organ (Finance and Physical Resources Portfolio Holder) responded as follows:

In December 2014 SDC entered into an option agreement with Gateway One Limited, in respect of the site at the junction of Arden Street, Birmingham Road and Windsor Street, known as the Stratford Gateway site.

In summary the option provided that SDC would transfer the site of the Windsor Street car park and the coach terminal within Stratford upon Avon to Gateway One Limited if they could develop a high quality scheme that:

- *Was financially viable*
- *Secured Planning Permission*
- *Included a replacement 243 space car park built to modern standards, this would be transferred back to SDC on completion*
- *Included coach drop off facilities to meet the needs of the Shakespeare Birthplace Trust*
- *Included a pedestrian link to enable the emerging Canal Quarter to link to the historic centre of Stratford-upon-Avon*

The agreement binds SDC for a period of up to 10 years.

Following the grant of the option Gateway One Limited have focussed on securing a development partner to allow them to take the development forward. It was felt that this was likely to be more productive than developing a design and securing a Planning Permission as it was thought likely that a developer would have their own ideas about how they would wish to develop the site.

This approach has produced a number of expressions of interest but there are concerns about whether they will be able to meet the needs of Gateway One Limited and SDC.

Gateway One Limited have recently reappraised their options for the site. A high level financial appraisal, carried out by JLL on behalf on Gateway One Limited, shows that there remains a significant financial return in implementing the development of the whole site. Efforts to date have failed to realise this and a change in tactics is being considered.

To demonstrate the potential value in the site Gateway One Limited could develop a design a secure Planning Permission. This would significantly reduce the risk for a potential developer but would involve significant expenditure for Gateway One Limited.

As part of their consideration of whether to make this expenditure, Gateway One Limited have asked for more clarity as to SDC's commitment to the scheme. A recent request for short term funding was turned down by The Cabinet and this has lead Gateway One Limited to question whether further investment in this project is prudent.

If SDC are not committed to the project Gateway One Limited have suggested that they will have to seriously consider developing their own portion of the site. This would mean that SDC would need to find a long term solution for Windsor Street car park and the opportunity to link the Canal Quarter and the historic town centre may not be achieved.

To help progress this situation a meeting between the Leader of the Council, the Portfolio Holder for Finance and Physical Resources and Gateway One Limited was held and Gateway One Limited are currently considering how to take the project forward.

12.Councillor Fojtik asked:

Does this Council need to promote its Local Council Tax Reduction scheme (LCTRS) more vigorously to help low paid council tax payers to be aware of the scheme so that they can get the extra help they are entitled to?

Councillor Riches (Enterprise and Revenues Portfolio Holder) responded as follows:

The Local Council Tax Reduction Scheme is advertised in the Leaflet that goes to every household when the Annual Council Tax Bill is sent out. It is also advertised on the back of every subsequent adjustment Bill that is issued throughout the year and in the 'Your Review Magazine' which reaches every household and features on the Council Website.

915. Questions to the Leader

Due to The Leader of the Council being absent from the meeting, the Chairman indicated that any questions could be submitted to Democratic Services for a response.

916. Notice of Motion Update - for information only

The update given to the outstanding Notice of Motion was noted.

917. Motions on Notice

(1) Antisemitism

The following Motion was proposed by Councillor Fojtik and seconded by Councillor Vaudry:

Stratford-on-Avon District Council expresses concern at the rise in antisemitism, or anti-Jewish racism, in the UK in recent years.

The Council welcomes the support of the Conservatives, Labour and Liberal Democrat parties for the internationally recognised guidelines on antisemitism adopted by the International Holocaust Remembrance Alliance which define antisemitism thus:

"Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."

The International Holocaust Remembrance Alliance guidelines highlight the following manifestations of antisemitism:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion;*
- Making mendacious, dehumanising, demonising, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions;*
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews;*
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust);*
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust;*
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations;*
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour;*
- Applying double standards by requiring of it a behaviour not expected or demanded of any other democratic nation;*
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterise Israel or Israelis;*
- Drawing comparisons of contemporary Israeli policy to that of the Nazis; and*
- Holding Jews collectively responsible for actions of the state of Israel.*

The Council welcomes the cross-party support within the Council for combating antisemitism in all its manifestations.

The Council hereby adopts the above definition of antisemitism as set out by the International Holocaust Remembrance Alliance and pledges to combat this pernicious form of racism.

In accordance with Council Procedure Rules, the Chairman reported that the Motion would be debated at the meeting.

During the debate it was suggested by Councillor Moore that this Council should seek to combat discrimination of all guises, and in addition, that the Council's Constitution be updated to reflect this under the section on Citizens Rights.

Thereafter, it was unanimously

RESOLVED:

- (1) That this Council expresses concern at the rise in antisemitism, or anti-Jewish racism, in the UK in recent years.
- (2) That this Council welcomes the support of the Conservatives, Labour and Liberal Democrat parties for the internationally recognised guidelines on antisemitism adopted by the International Holocaust Remembrance Alliance which define antisemitism thus:

"Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."
- (3) The Council welcomes the cross-party support within the Council for combating antisemitism in all its manifestations.
- (4) The Council hereby adopts the above definition of antisemitism as set out by the International Holocaust Remembrance Alliance and pledges to combat this pernicious form of racism.

(2) Corporate Priorities

The following Motion was proposed by Councillor Moore and seconded by Councillor Fradgley:

At The Cabinet meeting on 9th April The Cabinet agreed to prepare detailed business cases on a number of potential projects. Council requests that The Cabinet consider the additional items below:

1. *The proposed route and design of the South Western Relief Road is causing distress to a number of residents in the Luddington Road, Stannells Close area. A major concern is that should they need to move house for any reason the value and saleability of their property is currently impaired because of the proposals. The recent response of this council on the compensation / blight issue has not resolved those concerns, since it only appears to address the situation from a long term point of view, if at all.*

A review to be carried out to examine whether a scheme can be designed, preferably in conjunction with the county council and Cala Homes, to assist those residents who wish or need to move, to place them in no worse a position than before the scheme was announced.

2. *The Stratford Town Trust is currently seeking proposals from community and other bodies for the future running of the ArtsHouse.*

It is understood that one possible difficulty that may be encountered by any group taking over the Artshouse is that the fittings, for example the seating and lighting, are in the ownership of the Artshouse Trust, who may wish to realise the value of these items.

Since these are essential for the running of the premises as a community arts venue, to examine the case for the District Council to temporarily purchase these fittings, thus allowing any new Artshouse operation to operate from day one.

3. *A number of this District Council's playgrounds are looking tired, outdated and in need of refurbishment. Carry out a review to determine what needs to be done, particularly to ensure all safety requirements are being met. Propose options for improvements at varying levels of spending, eg what could be done for £50,000, £75,000, £100,000 etc.*
4. *This Council's Core Strategy recognises Stratford's town centre as a shopping and service centre of sub-regional importance – the only such centre in the District.*

The increasing pressures on the retail sector are widely recognised and it is therefore important that the public realm in the centre of town is maintained in a state which enhances the shopping experience. In some areas of the town the state of the pavements and other features no longer meet these requirements.

Therefore, as an initial proposal, and in conjunction with Warwickshire County Council, examine what steps can be taken to improve the pavements and public realm in the town centre in a manner that complies with the draft Neighbourhood Plan, thus contributing to all three of the objectives in this Council's Corporate Strategy.

5. *When local communities or organisations apply for lottery or grant funding it is sometimes a requirement that match funding or support from a Local Authority can be demonstrated. Examine the business case for setting aside a fund to assist in such circumstances.*

In accordance with Council Procedure Rules, the Chairman reported that the Motion, having been proposed and seconded, would be referred to The Cabinet for consideration and report without debate.

918. Urgent Business

There were no items of urgent business.

Chairman of the Council

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ANNUAL COUNCIL

Wednesday, 16th May, 2018

*Held at Council Chamber, Elizabeth House, Stratford-upon-Avon
Meeting commenced: 11.00 a.m. Meeting ended: 11.48 a.m.*

S Adams	J Fojtik	D Kendall	P Richards
G Atkinson	J Fradgley	J Kerridge	D Riches
J Barker	M Giles	C Kettle	K Rolfe
P Barnes	M Gittus	P Moorse	S Thirlwell
M C Brain	S Gray	L Organ	C Williams
M Cargill	J Harris	A Parry	H Wright
A Crump	M Howse	E Payne	
J Feilding	T Jefferson	D Pemberton	

Apologies: T Bromwich, S Lawton, C Mills, P O`Donnell, C Saint and R Vaudry

1. Election of Chairman of the Council

Nominations were invited for the appointment of Chairman during which the name of Councillor Kettle was proposed by Councillor Gittus and seconded by Councillor Cargill.

There being no further nominations, it was

RESOLVED:

That Councillor Christopher Kettle be elected Chairman of the Council for 2018/19.

Councillor Kettle made the statutory Declaration of Acceptance of Office of Chairman, received the Chain of Office from the outgoing Chairman, took the Chair vacated by Councillor Atkinson, thanked the Members for his appointment and presented his consort with her Badge of Office.

Councillor Kettle reported that his charities for the year would be Young Minds and The Brain Tumour Trust.

Councillor Kettle then took the chair vacated by Councillor Atkinson.

2. Disclosures of Interest

No disclosures of interest were made at this point of the meeting.

3. Vote of Thanks to the Retiring Chairman

On the motion of the Chairman, it was

RESOLVED:

That the Council offer its sincere congratulations and thanks to Councillor George Atkinson for the exemplary manner in which he carried out his duties as Chairman of the Council in 2017/18.

Councillor Atkinson addressed the meeting and thanked his colleagues for their support and reported on his activities over the year.

The Chairman presented a Past Chairman's Badge to Councillor Atkinson and bouquet of flowers and Past Chairman's Consort Badge to his wife.

4. Appointment of Vice-Chairman of the Council

Nominations were invited for the appointment of Vice-Chairman during which Councillor O'Donnell was proposed by Councillor Jefferson and seconded by Councillor Gittus.

There being no other nominations, it was:

RESOLVED:

That Councillor Penny-Anne O'Donnell be appointed Vice-Chairman of the Council for 2018/19.

In light of Councillor O'Donnell giving her apologies for this meeting, it was agreed that the Statutory Declaration of Acceptance of Office of Vice-Chairman, and the receipt of the Badge of Office from the Chairman, would be deferred until the next Council meeting.

5. Statement of the Leader of the Council

Following the resignation of Councillor Saint as Leader of the Council, and in accordance with the Local Government Act 2000, nominations were required for the appointment of Leader of the Council.

In addition, provision was included to agree the term of office for this appointment, and on the proposal of the Chairman, which was seconded by Councillor Jefferson, it was

RESOLVED:

That the term of office for this appointment be until the Annual meeting in May 2019.

Consequently, nominations were invited for the appointment of Leader of the Council, whereby Councillor Jefferson was proposed by Councillor Cargill and seconded by Councillor Pemberton.

There being no further nominations, it was

RESOLVED:

That Councillor Jefferson be appointed as Leader of the Council.

In light of Councillor Saint having given apologies for this meeting, it was agreed that words of thanks be deferred until the next Council meeting. However, the Chairman and Council expressed their best wishes for a speedy recovery.

Subsequently, on the motion of the Chairman, it was

RESOLVED:

That the Council offer its sincere thanks to Councillor Stephen Thirlwell for the exemplary manner in which he carried out his duties as Deputy Leader of the Council.

In accordance with the Constitution, Councillor Jefferson informed the Council of the names of those Councillors who would comprise The Cabinet during 2018/19 (as set out below) and reported on the extent of delegations to individual Portfolio Holders and The Cabinet Working Groups:

Deputy Leader – Councillor Mark Cargill
Services for the Community – Councillor Brain
Business, Tourism and ICT – Councillor Howse
Resources and Property – Councillor Organ
Health, Wellbeing and Housing – Councillor Richards
Planning and Building Services – Councillor Pemberton
Governance and Democracy – Councillor Stephen Thirlwell

A copy of the full report is included as Appendix 1 to these Minutes.

Councillor Barnes left the meeting at this point.

6. Membership of Committees and other bodies

The Political Balance Calculation for the Council year 2018/19, as agreed by the Group Leaders, was confirmed at the meeting.

Subsequently, nominations had been received from the political groups and these were reported to the Council.

Having regard to the above, it was

RESOLVED:

That the Political Balance Calculation (as included within the agenda papers) and Membership of Committees (Appendix 2) to these Minutes be approved.

CHAIRMAN

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Stratford-on-Avon District Council

Report of the Leader to Annual Council (Cabinet Procedure Rule 1.2)

For Information

16 May 2018

The Cabinet Arrangements 2018/19

Executive decision-making

Policy decisions are reserved to The Council, except where detailed in the Constitution.

Executive decisions are otherwise made under the provisions of the Local Government Act 2000, as amended and the related regulations:

- a. The decisions made by The Cabinet, including recommendations to Council, shall be by majority at all meetings. In the event of equality, the Chairman shall have a casting vote.
- b. Executive decisions shall otherwise be made by a scheme of delegation determined by the Leader of the Council and detailed in this document, or as set out in the Constitution.
- c. Formal decisions shall be published and be subject to the procedures for call-in to the Overview and Scrutiny Committee.

Structure of The Cabinet

The Cabinet will comprise eight Members, with responsibilities as detailed in the Constitution. Each Portfolio Holder will have a corporate overview of service functions as indicated below.

Portfolio Holders and their Responsibilities

Leader – Cllr Tony Jefferson (Welcombe Ward, Stratford-upon-Avon)

- Council Structure and appointments (including Chair of Employment & Appointments)
- Local Authority Liaison and External relationships
- Policy, Governance and the Strategic Budget
- Political Leadership
- Community Safety
- Emergency Planning

Deputy Leader – Cllr Mark Cargill (Bidford West and Salford Ward)

- Consultation and Performance Management
- Corporate Strategy development
- Transformation
- Infrastructure Strategy

Services for the Community – Cllr Mike Brain (Quinton Ward)

- Car parking
- Leisure Services including Open Space
- Public Conveniences
- Refuse & Recycling
- Grounds Maintenance and Street Scene

Business, Tourism and ICT – Cllr Maurice Howse (Avenue Ward, Stratford-upon-Avon)

- Revenues and Benefits (including Business Rates)
- ICT and business continuity
- Business Support and markets
- Tourism
- Economic Development Policy

Resources and Property – Cllr Lynda Organ (Bridgetown Ward, Stratford-upon-Avon)

- Asset Management
- Corporate Property & Construction Management
- Financial Services
- Health and Safety
- Internal Audit
- Human Resources
- Legal Services

Health, Wellbeing and Housing – Cllr Peter Richards (Snitterfield Ward)

- CCTV
- Health & Wellbeing Strategy
- Safeguarding
- Housing Services and Homelessness (including development of Housing Company)
- Community & Voluntary Support
- Social Inclusion
- Environmental Health

Planning & Building Services – Cllr Daren Pemberton (Bidford East Ward)

- Development Control & Appeals
- Planning Enforcement
- Land Charges
- Building Control
- Central Administration
- Planning & Housing Policy

Governance and Democracy – Cllr Stephen Thirlwell (Henley-in-Arden Ward)

- Democratic, Member Services and Elections
- Member Development and Training
- Information Governance
- Customer Services
- Licensing

Leader's Scheme of Delegation

(a) General provisions

Support to the Leader will be provided by the Deputy Leader, who will act for the Leader in his absence.

Day-to-day issues relating to shared Council services shall be the responsibility of relevant Portfolio Holders, acting jointly where relevant.

Any exercise of delegated powers shall have regard to any report by the Head of Paid Service, the Monitoring Officer or the officer designated under Section 151 of the Local Government Act 1972.

Any exercise of delegated powers shall comply with statutory restrictions, all policies and procedures approved by Council or The Cabinet and the Council's Code of Conduct and adopted protocols.

Executive powers should only be exercised following appropriate consultation with legal, finance and HR as necessary. Where relevant, the appropriate Portfolio Holder should be consulted. Local Ward Members must be consulted where the matter specifically affects their Ward or the matter is politically sensitive or contentious.

All decisions must be recorded and may need to be published where required by law.

(b) Financial supervision

Day-to-day operations are under the control of the Executive Directors and Heads of Service as outlined in the Constitution.

All Members and officers are bound by the Council's approved Financial Regulations including Contract Standing Orders.

Where the responsibility for any Executive decision is silent, the default decision-maker will be The Cabinet unless the Leader determines otherwise.

The delegations outlined below are to individual Portfolio Holders:

1 All Portfolio Holders after consultation with the Resources and Property Portfolio Holder are authorised to:

- Approve virements for revenue budgets up to £50,000;
- Approve virements of up to £50,000 between capital programme projects in the same portfolio;
- Approve select lists of tenderers for contracts except in respect of contracts to which the full EC procurement rules apply
- Approve write-offs up to £10,000.

2 The Resources and Property Portfolio Holder after consultation with the Leader and relevant Head of Service, is authorised to:

- Allocate funds for grants to Community and Business support, provided for in the budget, in accordance with any Executive decision concerning the process to select schemes for grant aid;
- Authorise, in consultation with the relevant Ward Member, the disposal of parcels of land or property up to an area of 2 hectares.

3 The Business, Tourism and ICT Portfolio Holder, is authorised to:

- Determine applications for discretionary rate relief, discretionary rural rate relief and hardship rate relief up to a value of £10,000.

4 The Health, Wellbeing and Housing Portfolio Holder is authorised to:

- Agree revisions of the Private Sector Housing Assistance Policy within the Council's budget and policy framework, subject to prior consultation with the relevant Head of Service.

5 The Planning and Building Services Portfolio Holder is authorised to:-

- Make decisions in respect of public art developer contributions by way of Section 106 agreements in consultation with the relevant Ward Member and the Head of Planning and Housing (Minute 95 (2012/13) refers);
- To seek developer contributions in respect of decisions on planning applications for infrastructure additional to that requested by Warwickshire County Council, in consultation with the Head of Planning and Housing, the Portfolio Holder for Planning and Building Services and relevant Ward Member.

6 The Leader, after consultation with the Executive Director (S151) is authorised to:

- Agree submissions to the Government in connection with their City Deal and other external grant funding in the Coventry and Warwickshire Local Enterprise Partnership Area.

The delegations outlined below are to Executive Directors and Heads of Service:

7 Executive Directors and Heads of Service, after consultation with the Resources and Property Portfolio Holder are authorised to:

- Amend, as necessary any fees or charges on a full cost recovery basis if the existing fee is not appropriate and not set by statute;
- Make minor variations to Contracts with external providers, within budget.

8 Head of Governance and Democracy, in consultation with the Leader is authorised to:

- Administer Community Safety grants and other Crime and Disorder funds.

9 Head of Technical and Community Services, in consultation with the Resources and Property Portfolio Holder and the Head Governance and Democracy, is authorised to:

- Determine applications received for easements over Council owned village greens.
- Exercise all powers relating to the Council's land holdings, for these categories of business:
 1. Acquisition or termination of leases of 7 years or less.
 2. Assignments, rent reviews, terminable licences for access or other purposes and forfeiture of leases where the aggregate value is £250,000 or less.
 3. Disposal of freehold property up to the value of £125,000.

(c) Miscellaneous provisions

1 All Portfolio Holders are authorised to:

- Agree changes to targets in service plans, after consultation with the Leader of the Council, subject to there being no more than 5% variation to the original target or a project target date being put back by no more than one Council cycle within the fiscal year;
- Approve for consultation, draft policies, strategies and action plans, following consultation with the Leader;

- Approve the response on strategic consultation documents, including those from HM Government, after consultation with the Leader, and the final response being included within the portfolio holder decision notice.

2 The Planning and Building Services Portfolio Holder, in consultation with the relevant Head of Service is authorised to:

- Agree minor changes to the timetable for the Local Plan Development Scheme.
- Amend the scheme of delegations to enable the tenure profile of the single rural affordable housing programme to be amended.

3 The Governance and Democracy Portfolio Holder is authorised to:

- Hear oral representations against a Notice of refusal, revocation or variation of conditions of licence under the provisions of the Scrap Metal Dealers' Act (Minute 850 (2013/14) refers).
- Establish new customer access kiosks, within budget, at suitable locations across the District.

4 The Health, Wellbeing and Housing Portfolio Holder, after consultation with the relevant Head of Service, is authorised to:

- Agree future revisions of the Rent Express Scheme within the Council's budget and policy framework;
- Agree future revisions of 'Home Choice Plus' Sub-Regional Choice Based Lettings Scheme within the Council's budget and policy framework.

5 The Business, Tourism and ICT Portfolio Holder, , is authorised to:

- Bring together those external partners who could, with the District Council formulate any local project that would qualify for government funding via the Department of Business, Energy and Industrial Strategy Local Growth Deal or its successors, or any similar scheme, subject to formal approval of specific schemes and their timelines for development by The Cabinet.

6 The Services for the Community Portfolio Holder in consultation with the Head of Technical and Community Services, is authorised to:

- Allow free use of Church Street car park, Stratford-upon-Avon, for charitable or Civic event purposes;
- Allow the free use of the Council's car parks in Stratford-upon-Avon in support of an event or celebration that supports the local economy;
- Agree to minor revisions to the terms of use of Council-owned facilities by external organisations at major events in Stratford-upon-Avon that benefit the local economy.

(d) The Cabinet Committees

There are none at present.

(e) The Cabinet Working Groups

The following Cabinet Working Groups will be in operation:-

- (a) Strategic Policy Advisory Group
- (b) Member Development Working Group
- (c) Cash Management Working Group

Each Group will have the terms of reference and membership as set out in the Appendix to this document.

(f) External working

Representation on Strategic bodies

The Leader shall represent the Council on these external bodies:

- Coventry, Warwickshire, Hinckley and Bosworth Economic Prosperity Joint Committee for Economic Growth & Prosperity
- District Council's Network (DCN)
- Local Government Association (LGA)
- Local Government Information Unit (LGIU) Member A
- West Midlands Combined Authority Board
- Coventry and Warwickshire LEP Board
- South Warwickshire Community Safety Partnership
- Warwickshire Police and Crime Panel
- Warwickshire Safer Partnership Board

The Portfolio Holder/other members as indicated below shall represent the Council on these external bodies, in general where there are specific service issues that require that they represent the Council:-

- Shakespeare's England DMO
Business, Tourism and ICT Portfolio Holder
- Stratforward (Business Improvement District Company)
Business, Tourism and ICT Portfolio Holder
- SPARSE - rural special interests group of the LGA
Councillor Jo Barker
- Stratford-upon-Avon Market Forum (2 Representatives)
Business, Tourism and ICT Portfolio Holder
Councillor Robert Vaudry
- Warwickshire Health and Wellbeing Board
Health, Wellbeing and Housing Portfolio Holder
- Warwickshire Safeguarding Children Board
Councillor Jacqui Harris
- Warwickshire Waste Partnership
Services for the Community Portfolio Holder
- Parish Council Champion
Councillor Andrew Crump.

The relevant Executive Director or Head of Service shall represent the Council on these external bodies where there are specific service issues that require them to represent the Council:-

- Coventry and Warwickshire Business Rates Pool
- Stratford-upon-Avon Markets Forum
- Warwickshire Safeguarding Adults Board
- West Midlands Combined Authority Programme Board.

Delegations regarding external working

Executive Directors, the Leader and Portfolio Holders and other members are authorised to:

- (a) Agree terms of reference, memoranda of understanding and work programmes for any partnership that falls within the Council's approved policy framework, subject to legislation requirements or the Constitution;
- (b) Manage the Council's involvement in each of the Partnerships, undertaking partnership actions and work programmes within agreed terms of reference and/or memoranda of understanding and the approved policy framework of the Council;
- (c) Act with partner bodies, to support the development of partnership plans and strategies;
- (d) Develop strategic plans in conjunction with the Leader;
- (e) Act with partner bodies to support any potential and practical growth of the partnership in line with approved business plans;
- (f) Seek government resources to support the work of any partnership or group of authorities delivering shared services;
- (g) Commit resources within the Council's approved budget framework including virements of capital and revenue budgets in accordance with the financial supervision arrangements set out above;
- (h) Act in conjunction with the Leader to sign off submissions to the Government in connection with any external grant funding in the Coventry and Warwickshire Local Enterprise Partnership Area;
- (i) Act in conjunction with the Leader to sign off submissions to the Government in connection with any external grant funding in relation to local authorities acting jointly to deliver shared services.

All other decisions related to the work of these partnerships, unless they are a matter for The Cabinet or the Council shall be a matter for the Leader to determine or authorise.

Most partnerships operate using their own boards, Committees or sub-groups and the above list embraces all such meetings as may be relevant.

Representation on outside bodies

Members of the Council were appointed at the AGM following the all-out District Council elections in 2015 as representatives of the Authority for a four year term on the following outside bodies:

- Age Concern, Shipston-on-Stour and District
- Alcester Heritage Trust
- Community Partnership Network-better health care programme for Banbury and surrounding areas
- Cotswold Conservation Board
- PATROL (Parking and Traffic Regulation Outside London Adjudication Joint Committee)
- Southam Grange Hall Stewards' Committee
- South Warwickshire NHS Foundation Trust
- Shakespeare Birthday Celebrations Partnership
Stratford Historic Building Trust
- Warwickshire, Coventry and Solihull Habitat Biodiversity Action Plan Partnership
- Warwickshire Rural Community Council – Executive Committee
- West Midlands Reserve Forces and Cadets

Delegations regarding working on outside bodies

Representatives are expected to act corporately and are authorised to advise the respective bodies of the Council's policy position and make requests to the appropriate Portfolio Holder if new Council policy might be appropriate.

Most outside bodies operate using their own boards who determine their terms of reference. The Council representatives will be expected to work within the framework of the body upon which they are serving. An annual report should be provided that can be reported to members of the Council via an Information Sheet.

(g) Other matters

In the event of any omission from the executive delegations set out in this document, the Council's Constitution shall be applied. In the event of any contradiction between the wording of any executive delegations set out in the Council's Constitution and this document, those listed in this document shall be applied.

Councillor Tony Jefferson
Leader of the Council

16 May 2018

STRATEGIC POLICY ADVISORY GROUP

TERMS OF REFERENCE

1. AIM

The aim of the Group is to act as a sounding board for all matters appertaining to the development of Strategic Policies.

2. STATUS

The Strategic Policy Advisory Group is a working party, designed to bring together key members and officers to support the development of robust strategic policies.

Its recommendations shall be reported direct to Cabinet for onward approval by Council (where appropriate) in a timely and appropriate format.

The public will not be admitted when the working group is in session, but notes of all meetings will be reported to the next available Cabinet meeting.

3. OBJECTIVES

- a) To act as an advisory panel in relation to the development of Policy documents ;
- b) To identify pieces of research/work that are required to be undertaken to support the development of strategic policies;
- c) To consider drafts of policy documents; and,
- d) To make recommendations to Cabinet in relation to policies that fall within the Council's approved budget and policy framework.

4. MEMBERSHIP

The membership of the Panel being:

- The Leader(Chairman of the Group)
- The Deputy Leader
- The Health, Wellbeing and Housing Portfolio Holder
- The Planning and Building Services Portfolio Holder
- The Business, Tourism and ICT Portfolio Holder
- One other Member to maintain political balance within the Group

Members of the group will be permitted to send a substitute member to meetings of the group, drawn from the same category of membership as their own.

An Executive Director/Head of Service and relevant service manager shall attend all meetings of the Group and shall act as the principal advisor and support officer for its business.

5. QUORUM

The quorum for the Panel shall be three Members.

MEMBER DEVELOPMENT WORKING GROUP

TERMS OF REFERENCE

1. AIM

The aim of the group is to establish and review members Training and Development process. It is to further ensure that Training and Development is part of the overall mainstream organisational development activities.

2. STATUS

The Member Development Working Group is a working party convened to support member development. The Working Group shall at all times maintain a six month forward plan for its business to be approved by The Cabinet in January and July.

Its recommendations shall be reported direct to The Cabinet for onward approval by Council in a timely and appropriate format.

The public will not be admitted when the working group is in session, but notes of all meetings will be reported to the next available Cabinet meeting.

3. OBJECTIVES

- a) To champion and encourage training and development of Councillors.
- b) To develop and implement a Member Development Strategy.
- c) To be a reference point for Group leaders with regards to member development.
- d) To attend and participate actively in working group meetings.
- e) To assist in the shaping and prioritising of member development activities e.g. Member Training Programme.
- f) To encourage an effective member/officer working relationship that engages all elected Members.
- g) To introduce a process for the implementation of Personal Development Plans and offer Councillors the opportunity to participate in the process.
- h) To ensure that Member Development and training opportunities relate to the Corporate Priorities of the organisation.
- i) To engage all elected Members in the process.
- j) To establish a mechanism to evaluate the overall effectiveness of the Member development process, including statistical data on the level of attendance at training events.
- k) To establish criteria for funding bespoke/individual training and development requests.
- l) To identify the financial resources required to deliver the training programme.

4. MEMBERSHIP

The membership of the Group being:-

- The Governance and Democracy Portfolio Holder (Chairman of the Group)
- Two further Portfolio Holders
- Up to four other Members to maintain political balance within the group

Members of the group will be permitted to send a substitute member to meetings of the group, drawn from the same category of membership as their own.

In addition, the following shall act as advisors to the Group:

- Head of Governance and Democracy
- Head of Planning and Housing
- Democratic Services Manager

The Group will be able to appoint other advisors and nominate other members as observers, as appropriate.

Delegation - The Group shall have delegated authority to determine where a member fails to fulfil the Council's training requirements whether the twelfth month of the member's remuneration shall be paid. These decisions shall only be made when nominated Portfolio Holders are present at the Working Group meeting.

5. QUORUM

The quorum for the Member Development Working Group shall be three, with two Portfolio Holders present where the delegation above is being undertaken.

CASH MANAGEMENT WORKING GROUP

TERMS OF REFERENCE

1. AIM

To act as a sounding board for all matters appertaining to the use and allocation of the Council's Cash Reserves.

2. STATUS

The Cash Management Working Group is a working party, designed to bring together key members and officers to guide and support the development of the Council's investment and resource strategies and associated practices.

3. OBJECTIVES

- a) To act as an advisory group in relation to the development of cash investment strategies and practices; and
- b) To monitor the performance of any external organisation handling the Council's cash reserves.

4. MEMBERSHIP

The membership of the Group will be:

- The Resources and Property Portfolio Holder (Chairman of the Group)
- Four other members to maintain political balance within the Group.

The Executive Director (S151 Officer) shall attend all meetings of the Group and act as the principal advisor and support officer for its business.

Recommendations from the Group will normally be actioned under officer delegations in the Council's Constitution otherwise they will be taken forward to The Cabinet.

5. QUORUM

The quorum for the Group shall be two.

**MEMBERSHIP OF COMMITTEES
2018/19**

Audit and Standards Committee (10)

<u>Conservative</u> (7) Cllr Adams Cllr Atkinson Cllr Gray Cllr Harris Cllr Lawton Cllr Riches Cllr Saint <u>Substitutes</u> (3) Cllr Gittus Cllr Kettle Cllr O'Donnell	<u>Lib Dem</u> (2) Cllr Fradgley Cllr Rolfe <u>Substitute</u> (1) Cllr Moorse	<u>Independent</u> (0)	<u>Labour</u> (1) Cllr Fojtik
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Employment and Appointments (6)

<u>Conservative</u> (5) Cllr Barker Cllr Cargill Cllr Harris Cllr Jefferson Cllr Organ <u>Substitute</u> Cllr Gittus Cllr Thirlwell Appropriate member of The Cabinet	<u>Lib Dem</u> (1) Cllr Rolfe <u>Substitute</u> (1) Cllr Moorse	<u>Independent</u> (0)	<u>Labour</u> (0)
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Overview and Scrutiny Committee (11)

<u>Conservative</u> (8) Cllr Barker Cllr Feilding Cllr Harris Cllr Kerridge Cllr Kettle Cllr Lawton Cllr O'Donnell Cllr Payne	<u>Lib Dem</u> (2) Cllr Moorse Cllr Wright	<u>Independent</u> (1) Cllr Bromwich	<u>Labour</u> (0)
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Planning Committee (East) (8)

<p><u>Conservative</u> (7) Cllr Brain Cllr Crump Cllr Kendall Cllr Mills Cllr Parry Cllr O'Donnell Cllr Saint</p> <p><u>Substitutes</u> (9) Cllr Atkinson Cllr Cargill Cllr Giles Cllr Kerridge Cllr Lawton Cllr Payne Cllr Richards Cllr Vaudry Cllr Williams</p>	<p><u>Lib Dem</u> (0)</p>	<p><u>Independent</u> (1) Cllr Barnes</p>	<p><u>Labour</u> (0)</p>
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Planning Committee (West) (8)

<p><u>Conservative</u> (7) Cllr Atkinson Cllr Giles Cllr Kerridge Cllr Lawton Cllr Payne Cllr Richards Cllr Vaudry</p> <p><u>Substitutes</u> (10) Cllr Adams Cllr Brain Cllr Crump Cllr Feilding Cllr Gittus Cllr Kendall Cllr Mills Cllr Parry Cllr O'Donnell Cllr Saint</p>	<p><u>Lib Dem</u> (0)</p>	<p><u>Independent</u> (1) Cllr Barnes</p>	<p><u>Labour</u> (0)</p>
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Regulatory Committee (11)

<u>Conservative</u> (9) Cllr Adams Cllr Brain Cllr Feilding Cllr Gittus Cllr Mills Cllr Parry Cllr Richards Cllr Thirlwell Cllr Williams	<u>Lib Dem</u> (1) Cllr Fradgley	<u>Independent</u> (0)	<u>Labour</u> (1) Cllr Fojtik
<u>Substitutes</u> (3) Cllr Howse Cllr Kerridge Cllr Lawton	<u>Substitute</u> (1) Cllr Rolfe		
<u>Licensing Chairman</u> Cllr Adams Cllr Gittus Cllr Mills			

JCNG (9)

<u>Conservative</u> (6) Cllr Atkinson Cllr Feilding Cllr Giles Cllr O'Donnell Cllr Payne Cllr Riches	<u>Lib Dem</u> (1) Cllr Wright	<u>Independent</u> (1) Cllr Barnes	<u>Labour</u> (1) Cllr Fojtik
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COUNCIL
16 JULY 2018

Subject: Statutory Appointment - Head of Paid Service
Lead Officer: Phil Grafton
Contact on 01789 260400

**Lead Member/
Portfolio Holder: Councillor T Jefferson**

Summary

Head of Paid Service

The Employment and Appointments Committee met on 20 June 2018, to interview candidates for the position of Executive Director (Head of Paid Service), following the retirement of the current postholder in December 2018.

The appointment of the statutory role of the Head of Paid Service requires Council approval. Council are therefore requested by Employment and Appointments Committee to confirm the appointment of Isabel Edgar Briancon.

RESOLVED:

That Isabel Edgar Briancon be offered the post of Executive Director (Head of Paid Service), to commence 1 November 2018, subject to the terms of appointment and to the Conditions of Service of the Joint Negotiating Committee for Chief Officers of Local Authorities as amended to suit local circumstances, all as notified to her, and in accordance with the Council's Officer Employment Procedure Rules.

In respect of the Statutory Officer role, it was

RECOMMENDED: to Council:

That Isabel Edgar Briancon be appointed Head of Paid Service Designate from 1 November 2018 and Head of Paid Service from 1 January 2019.

Phil Grafton
MONITORING OFFICER

Background papers: None

COUNCIL
16 JULY 2018

Subject: Update to the Constitution
Lead Officer: Phil Grafton
Contact on 01789 260400
**Lead Member/
 Portfolio Holder:** Councillor T Jefferson

Summary

The Constitution has recently been reviewed to ensure that its aims and principles are given full effect.

Recommendations

- (1) That the proposed amendments to the Constitution as shown in the Appendix to the report are accepted for immediate adoption;**
 - (2) That, in addition to the proposed amendments shown in the Appendix, the contents of the remainder of the Constitution is endorsed.**
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1 Background/Information

- 1.1 The Monitoring Officer is required to monitor and review the operation of the Council's Constitution to ensure that the aims and principles are given full effect. The purpose of the Constitution includes:-
 - 1.1.1 To enable decisions to be taken transparently, efficiently and effectively;
 - 1.1.2 To ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions.
- 1.2 **Latest Review**
 - 1.2.1 The result from the latest review of the Constitution is set out in the **Appendix** to the Report, noting that proposed additional text is highlight in light grey and that proposed deleted text is highlighted dark grey and crossed through. The review comprised three separate stands:-
 - 1.2.2 **(1) Officer Delegations - The Leader's Statement**
 - 1.2.3 The Leader's Statement is an integral part of the Constitution. It sets out the important decision making powers in relation to executive functions that the Leader has decided may be exercised by The Cabinet, individual Members of The Cabinet, or senior officers.
 - 1.2.4 The last Leader's Statement was published on 16 May 2018 at the Annual General Meeting. Since then a review of the document has been

undertaken in conjunction with the Leader and it has been agreed that executive functions delegated to senior officers are better placed within the Scheme of Delegations to Officers, which is located in another part of the Constitution.

1.2.5 Delegations to be transferred from the Leader's Statement to the Scheme of Delegations to Officers have not been highlighted in the Appendix unless there is a proposal to amend the wording of the delegation.

1.2.6 **(2) Officer Delegations-other Documents**

1.2.7 At the same time, a review has also been undertaken with the aim of transferring senior officer delegations from other documents within the Constitution into the Scheme of Delegations to Officers; in practice most of these delegations have been drawn from the Financial Procedure Rules.

1.2.8 As a result of these two actions, most if not all of the powers delegated to senior officers are now captured within the Scheme of Delegations to Officers. This means that the Leader's Statement now contains only those delegations for executive functions that the Leader has chosen to delegate to the Cabinet or individual members of The Cabinet. As usual however, the document still retains details relating to working with external bodies and internal working groups that do not have decision-making powers.

1.2.9 Delegations to be transferred from other documents in the Constitution to the Scheme of Delegations to Officers have not been highlighted in the Appendix unless there is a proposal to amend the wording of the delegation.

1.2.10 **(3) Officer Delegations-Changes to Existing Delegations**

1.2.11 As previously stated, the **Appendix** shows all the proposed changes to the Constitution, noting that only those relevant parts of the Constitution are included within the **Appendix**. Some of the proposed changes have been made simply to aid transparency, by improving the clarity of the wording. In some cases the wording has changed as a consequence of another change in another document within the Constitution.

1.2.12 The main structural changes to the delegations are as follows:-

1.2.13 Committee Procedure Rule 11 now confirms that a ward member or another member nominated by the ward member or the group leader may be invited to clarify an issue of fact;

1.2.14 Article 15 is amended to follow the wording of the existing terms of reference for the Audit and Standards Committee;

1.2.15 Council Procedure Rule 1.1 and Cabinet Procedure Rule 1.2 are amended to clarify the fact the Leader can amend his statement (now called the Scheme of Delegation for Executive Powers to The Cabinet and Cabinet Members) at any time without having to seek permission from the Cabinet or Council;

1.2.16 The existing wording in Part 3n of the Constitution is deleted to make way for the Scheme of Delegation for Executive Powers to The Cabinet and Cabinet Members;

1.2.17 In the Scheme of Delegations to Officers:-

- 1.2.18 The licensing delegations are widened to allow officers to take action against taxi drivers and operators in urgent circumstances where there is a serious threat to public safety, and in respect of certain powers relevant to caravan sites;
- 1.2.19 The planning delegations are amended to remove the current distinction between major and minor planning applications. Instead, and regardless of the size of the proposed development, if the local parish council or the ward member objects to the application then the matter will be referred to the Planning Committee. Otherwise, the officer may determine the application, unless he/she, in consultation with the Chairman of the Planning Committee, believes that the application has generated significant public interest, or in any other respect merits consideration by the Planning Committee.
- 1.2.20 In considering the term "significant public interest" some thought has been given to try to define the term so as to give some re-assurance to members and others, particularly in relation to large scale developments. However, on balance officers believe that in defining the term it might be unduly restrictive.

1.3 ***The Remainder of the Constitution***

- 1.3.1 Although this report is mainly concerned with the proposed changes set out in the **Appendix**, Council is also invited to confirm and endorse the whole contents of the Constitution, as in doing so the Council will mitigate the possibility of any potential future legal challenge in relation to those parts of the document.

2 **Options available to Council**

- 2.1 To accept the proposed changes and endorse the remaining parts of the Constitution;
- 2.2 To reject the proposed changes and refuse to endorse the remaining parts of the Constitution;
- 2.3 To accept some of the proposed changes (to be specified) and to endorse some of the remaining parts of the Constitution.

3 **Evidence Base**

- 3.1 As outlined in the report.

4 **Members' Comments**

The Chairman of the Regulatory Committee has said "Thanks for this and I have now had a chance to read this and it's fine by me" in relation to the proposals for the licensing delegations.

5 **Implications of the proposal**

5.1 ***Legal/Human Rights Implications***

- 5.1.1 Section 37 of the Local Government Act 2000 requires the Council to prepare and keep up to date a copy of its Constitution, and the Constitution requires the Monitoring Officer to perform this task.

5.2 ***Financial***

- 5.2.1 There are no direct financial implications.

5.3 ***Environmental***

5.3.1 There are no direct environmental implications.

5.4 ***Corporate Strategy***

5.4.1 Maintaining an up to date Constitution aligns with key objective 3 - Responsible Community Leadership - as the document is published on the Council's website. This demonstrates to the public who makes important decisions and how they are made.

5.5 ***Analysis of the effects on Equality***

5.5.1 There are no direct implications.

5.6 ***Data Protection***

5.6.1 There are no direct implications.

6 Risk Assessment

6.1 Council is invited to accept the proposed changes to the Constitution and to endorse all the other parts of the Constitution to ensure that decisions are made transparently, efficiently and effectively.

7 Conclusion

7.1 The proposed changes to the Constitution arise for a number of reasons, as set out in the report.

Phil Grafton
MONITORING OFFICER

Background papers: NONE

Stratford-on-Avon District Council

Scheme of Delegation for Executive Functions to the Cabinet and Members of the Cabinet

Cabinet Procedure Rule 1.2

For Information-Council Meeting 16 July 2018

Introduction

The Council has previously chosen to adopt a Leader and Cabinet model for its executive arrangements and under this model all executive functions are vested in The Leader of the Council, who may then delegate functions as seen fit.

The main purpose of this Scheme of Delegation is to set out the decision making powers in relation to executive functions that the Leader has decided may be exercised by the Cabinet or Members of the Cabinet. Accordingly, this document appears at Part 3n of the Council's Constitution.

The delegation of decision making powers for executive functions that the Leader has decided may be exercised by Officers of the Council is included as part of the Scheme of Delegations to Officers, which appears at Part 3o of the Constitution. That Scheme also includes details for decision-making powers that have been delegated to officers by Council, in relation to Council functions.

The Leader can at any time amend either of the two Schemes of Delegation in relation to executive functions, for example by taking back responsibilities delegated to the Cabinet, an individual member of the Cabinet or an officer, or delegating powers under certain conditions, in accordance with Cabinet Procedure Rule 1.2.

Executive decision-making

Policy decisions are reserved to The Council, except where detailed to the contrary in the Constitution.

Executive decisions are otherwise made under the provisions of the Local Government Act 2000, as amended and the related regulations:

- a. The decisions made by The Cabinet, including recommendations to Council, shall be by majority at all meetings. In the event of equality, the Chairman shall have a casting vote.
- b. Executive decisions shall otherwise be made by a scheme of delegation determined by the Leader of the Council and detailed in this document, or and either set out in this document (for those powers delegated to The Cabinet Portfolio Holders) or as set out in the Scheme of Delegations to Officers. Constitution.
- c. Formal decisions shall be published as required by law and shall be subject to the procedures for call-in to the Overview and Scrutiny Committee.

Structure of The Cabinet

The Cabinet will comprise eight Members, with responsibilities as detailed in the Constitution. Each Portfolio Holder will have a corporate overview of service functions as indicated below.

Portfolio Holders and their Responsibilities

The Leader – Cllr Tony Jefferson (Welcombe Ward, Stratford-upon-Avon)

- Council Structure and appointments (including Chair of Employment & Appointments)
- Local Authority Liaison and External relationships
- Policy, Governance and the Strategic Budget
- Political Leadership
- Community Safety
- Emergency Planning

Deputy Leader – Cllr Mark Cargill (Bidford West and Salford Ward)

- Consultation and Performance Management
- Corporate Strategy development
- Transformation
- Infrastructure Strategy

Services for the Community – Cllr Mike Brain (Quinton Ward)

- Car parking
- Leisure Services including Open Space
- Public Conveniences
- Refuse & Recycling
- Grounds Maintenance and Street Scene

Business, Tourism and ICT – Cllr Maurice Howse (Avenue Ward, Stratford-upon-Avon)

- Revenues and Benefits (including Business Rates)
- ICT and business continuity
- Business Support and markets
- Tourism
- Economic Development Policy

Resources and Property – Cllr Lynda Organ (Bridgetown Ward, Stratford-upon-Avon)

- Asset Management
- Corporate Property & Construction Management
- Financial Services
- Health and Safety
- Internal Audit
- Human Resources
- Legal Services

Health, Wellbeing and Housing – Cllr Peter Richards (Snitterfield Ward)

- CCTV
- Health & Wellbeing Strategy
- Safeguarding
- Housing Services and Homelessness (including development of Housing Company)
- Community & Voluntary Support
- Social Inclusion
- Environmental Health

Planning & Building Services – Cllr Daren Pemberton (Bidford East Ward)

- Development Control & Appeals
- Planning Enforcement
- Land Charges
- Building Control
- Central Administration
- Planning & Housing Policy

Governance and Democracy – Cllr Stephen Thirlwell (Henley-in-Arden Ward)

- Democratic, Member Services and Elections
- Member Development and Training
- Information Governance
- Customer Services
- Licensing

Leader’s Scheme of Delegation to The Cabinet Portfolio Holders

(a) General provisions

Support to the Leader will be provided by the Deputy Leader, who will act for the Leader in his absence.

Day-to-day issues relating to shared Council services shall be the responsibility of relevant Portfolio Holders, acting jointly where relevant.

Any exercise of delegated powers shall have regard to any report by the Head of Paid Service, the Monitoring Officer or the officer designated under Section 151 of the Local Government Act 1972.

Any exercise of delegated powers shall comply with statutory restrictions, all policies and procedures approved by Council or The Cabinet and the Council’s Code of Conduct and adopted protocols.

Executive powers should only be exercised following appropriate consultation with Legal, Finance and Human Resources as necessary. ~~Where relevant, the appropriate Portfolio Holder should be consulted.~~ The Relevant Local Ward Member must be consulted where the matter specifically affects their Ward or the matter is politically sensitive or contentious.

All decisions must be recorded and may need to be published where required by law.

(b) Financial supervision

Day-to-day operations are under the control of the Executive Directors and Heads of Service as outlined in the Constitution.

All Members and officers are bound by the Council’s approved Financial Regulations including Contract Standing Orders.

Where ~~the~~ responsibility for any Executive decision is silent, the default decision-maker will be The Cabinet unless the Leader determines otherwise.

The delegations outlined below are to individual Portfolio Holders:

1 All Portfolio Holders after consultation with the Resources and Property Portfolio Holder are authorised to:

- Approve virements for revenue budgets up to £50,000;

- Approve virements of up to £50,000 between capital programme projects in the same portfolio;
- Approve select lists of tenderers for contracts except in respect of contracts to which the full EC procurement rules apply;
- Approve write-offs up to £10,000;

2 The Resources and Property Portfolio Holder after consultation with the Leader and relevant Head of Service, is authorised to:

- Allocate funds for grants to Community and Business support, provided for in the budget, in accordance with any Executive decision concerning the process to select schemes for grant aid;
- Authorise, in consultation with the relevant Ward Member, the disposal of parcels of land or property up to **an area of 2 hectares** a value of £500,000.

3 The Business, Tourism and ICT Portfolio Holder, is authorised to:

- Determine applications for discretionary rate relief, discretionary rural rate relief and hardship rate relief up to a value of £10,000.

4 The Health, Wellbeing and Housing Portfolio Holder is authorised to:

- Agree revisions of the Private Sector Housing Assistance Policy within the Council's budget and policy framework, subject to prior consultation with the relevant Head of Service.

5 The Planning and Building Services Portfolio Holder is authorised to:

- Make decisions in respect of public art developer contributions by way of Section 106 agreements in consultation with the relevant Ward Member and the Head of Planning and Housing;
- To seek developer contributions in respect of decisions on planning applications for infrastructure additional to that requested by Warwickshire County Council, in consultation with the Head of Planning and Housing, the Portfolio Holder for Planning and Building Services and relevant Ward Member.

6 The Leader, after consultation with the Executive Director (S151) is authorised to:

- Agree submissions to the Government in connection with their City Deal and other external grant funding in the Coventry and Warwickshire Local Enterprise Partnership Area.

(c) Miscellaneous provisions

1 All Portfolio Holders are authorised to:

- Agree changes to targets in service plans, after consultation with the Leader of the Council, subject to there being no more than 5% variation to the original target or a project target date being put back by no more than one Council cycle within the fiscal year;
- Approve for consultation, draft policies, strategies and action plans, following consultation with the Leader;
- Approve the response on strategic consultation documents, including those from HM Government, after consultation with the Leader, and the final response being included within the portfolio holder decision notice.

2 The Planning and Building Services Portfolio Holder, in consultation with the relevant Head of Service is authorised to:

- Agree minor changes to the timetable for the Local Plan Development Scheme.
- Amend the scheme of delegations to enable the tenure profile of the single rural affordable housing programme to be amended;
- Determine a street naming application in the event that there is an objection to a proposal.

3 The Governance and Democracy Portfolio Holder is authorised to:

- Hear oral representations against a Notice of refusal, revocation or variation of conditions of licence under the provisions of the Scrap Metal Dealers' Act;
- Establish new customer access kiosks, within budget, at suitable locations across the District.

4 The Health, Wellbeing and Housing Portfolio Holder, after consultation with the relevant Head of Service, is authorised to:

- Agree future revisions of the Rent Express Scheme within the Council's budget and policy framework;
- Agree future revisions of 'Home Choice Plus' Sub-Regional Choice Based Lettings Scheme within the Council's budget and policy framework.

5 The Business, Tourism and ICT Portfolio Holder, is authorised to:

- Bring together those external partners who could, with the District Council formulate any local project that would qualify for government funding via the Department of Business, Energy and Industrial Strategy Local Growth Deal or its successors, or any similar scheme, subject to formal approval of specific schemes and their timelines for development by The Cabinet.

6 The Services for the Community Portfolio Holder in consultation with the Head of Technical and Community Services, is authorised to:

- Allow free use of Church Street car park, Stratford-upon-Avon, for charitable or Civic event purposes;
- Allow the free use of the Council's car parks in Stratford-upon-Avon in support of an event or celebration that supports the local economy;
- Agree to minor revisions to the terms of use of Council-owned facilities by external organisations at major events in Stratford-upon-Avon that benefit the local economy.

(d) The Cabinet Committees

There are none at present.

(e) The Cabinet Working Groups

The following Cabinet Working Groups will be in operation:

- (a) Strategic Policy Advisory Group
- (b) Member Development Working Group
- (c) Cash Management Working Group

Each Group will have the terms of reference and membership as set out in the Appendix to this document.

(f) External working

Representation on Strategic bodies

The Leader shall represent the Council on these external bodies:

- Coventry, Warwickshire, Hinckley and Bosworth Economic Prosperity Joint Committee for Economic Growth & Prosperity
- District Council's Network (DCN)
- Local Government Association (LGA)
- Local Government Information Unit (LGIU) Member A
- West Midlands Combined Authority Board
- Coventry and Warwickshire LEP Board
- South Warwickshire Community Safety Partnership
- Warwickshire Police and Crime Panel
- Warwickshire Safer Partnership Board

The Portfolio Holder/other members as indicated below shall represent the Council on these external bodies, in general where there are specific service issues that require that they represent the Council:-

- Shakespeare's England DMO
Business, Tourism and ICT Portfolio Holder
- Stratforward (Business Improvement District Company)
Business, Tourism and ICT Portfolio Holder
- SPARSE - rural special interests group of the LGA
Councillor Jo Barker
- Stratford-upon-Avon Market Forum (2 Representatives)
Business, Tourism and ICT Portfolio Holder
Councillor Robert Vaudry
- Warwickshire Health and Wellbeing Board
Health, Wellbeing and Housing Portfolio Holder
- Warwickshire Safeguarding Children Board
Councillor Jacqui Harris
- Warwickshire Waste Partnership
Services for the Community Portfolio Holder
- Parish Council Champion
Councillor Andrew Crump

The relevant Executive Director or Head of Service shall represent the Council on these external bodies: **where there are specific service issues that require them to represent the Council:**

- Coventry and Warwickshire Business Rates Pool
- Stratford-upon-Avon Markets Forum
- Warwickshire Safeguarding Adults Board
- West Midlands Combined Authority Programme Board.

Delegations regarding external working

Executive Directors, the Leader and Portfolio Holders and other members are authorised to:

- (a) Agree terms of reference, memoranda of understanding and work programmes for any partnership that falls within the Council's approved policy framework, subject to legislative requirements or the Constitution;
- (b) Manage the Council's involvement in each of the Partnerships, undertaking partnership actions and work programmes within agreed terms of reference and/or memoranda of understanding and the approved policy framework of the Council;
- (c) **Act Work** with partner bodies, to support the development of partnership plans and strategies;
- (d) Develop strategic plans in conjunction with the Leader;
- (e) **Act Work** with partner bodies to support ~~any potential and practical~~ growth of the partnership in line with approved business plans;
- (f) Seek Government resources to support the work of any partnership or group of authorities delivering shared services;
- (g) Commit resources within the Council's approved budget framework including ~~virements of capital and revenue budgets; in accordance with the financial supervision arrangements set out above;~~
- (h) **Act** in conjunction with the Leader to sign off submissions to the Government ~~for in connection with any~~ external grant funding in the Coventry and Warwickshire Local Enterprise Partnership Area;
- (i) **Act** in conjunction with the Leader to sign off submissions to the Government ~~Government for in connection with any~~ external grant funding in relation to local authorities acting jointly to deliver shared services.

All other decisions related to the work of these partnerships, unless they are a matter for The Cabinet or the Council, shall be a matter for the Leader to determine or authorise.

Most partnerships operate using their own boards, Committees or sub-groups and the above list embraces all such meetings as may be relevant.

Representation on outside bodies

Members of the Council were appointed at the Annual Council meeting following the all-out District Council elections in 2015 as representatives of the Authority for a four year term on the following Outside Bodies:

- Age Concern, Shipston-on-Stour and District
- Alcester Heritage Trust
- Community Partnership Network-better health care programme for Banbury and surrounding areas
- Cotswold Conservation Board
- PATROL (Parking and Traffic Regulation Outside London Adjudication Joint Committee)
- Southam Grange Hall Stewards' Committee
- South Warwickshire NHS Foundation Trust
- Shakespeare Birthday Celebrations Partnership
- Stratford Historic Building Trust
- Warwickshire, Coventry and Solihull Habitat Biodiversity Action Plan Partnership
- Warwickshire Rural Community Council – Executive Committee
- West Midlands Reserve Forces and Cadets

Delegations regarding working on outside bodies

Representatives are expected to act corporately and are authorised to advise the respective bodies of the Council's policy position and make requests to the appropriate Portfolio Holder if new Council policy might be appropriate.

Most Outside Bodies operate using their own Boards who determine their terms of reference. The Council representatives will be expected to work within the framework of the body upon which they are serving. An annual report will be provided submitted to the budget setting meeting of Council in February each year. that can be reported to members of the Council via an Information Sheet.

(g) — Other matters

In the event of any omission from the executive delegations set out in this document, the Council's Constitution shall be applied. In the event of any contradiction between the wording of any executive delegations set out in the Council's Constitution and this document, those listed in this document shall be applied.

Councillor Tony Jefferson
Leader of the Council

16 May July 2018

STRATEGIC POLICY ADVISORY GROUP

TERMS OF REFERENCE

1. AIM

The aim of the Group is to act as a sounding board for all matters appertaining to the development of Strategic Policies.

2. STATUS

The Strategic Policy Advisory Group is a working party, designed to bring together key members and officers to support the development of robust strategic policies.

Its recommendations shall be reported direct to Cabinet for onward approval by Council (where appropriate) in a timely and appropriate format.

The public will not be admitted when the working group is in session, but notes of all meetings will be reported to the next available Cabinet meeting.

3. OBJECTIVES

- a) To act as an advisory panel in relation to the development of Policy documents;
- b) To identify pieces of research/work that are required to be undertaken to support the development of strategic policies;
- c) To consider drafts of policy documents; and,
- d) To make recommendations to Cabinet in relation to policies that fall within the Council's approved budget and policy framework.

4. MEMBERSHIP

The membership of the Panel being:

- The Leader(Chairman of the Group)
- The Deputy Leader
- The Health, Wellbeing and Housing Portfolio Holder
- The Planning and Building Services Portfolio Holder
- The Business, Tourism and ICT Portfolio Holder
- One other Member as nominated by the Leader
- One other Member to maintain political balance within the Group

Members of the group will be permitted to send a substitute member to meetings of the group, drawn from the same category of membership as their own.

An Executive Director/Head of Service and relevant service manager shall be invited to attend all meetings of the Group and shall act as the principal advisor and support officer for its business.

5. QUORUM

The quorum for the Panel shall be three Members.

MEMBER DEVELOPMENT WORKING GROUP

TERMS OF REFERENCE

1. AIM

The aim of the group is to establish and review members Training and Development process. It is to further ensure that Training and Development is part of the overall mainstream organisational development activities.

2. STATUS

The Member Development Working Group is a working party convened to support member development. The Working Group shall at all times maintain a six month forward plan for its business to be approved by The Cabinet in January and July.

Its recommendations shall be reported direct to The Cabinet for onward approval by Council in a timely and appropriate format.

The public will not be admitted when the working group is in session, but notes of all meetings will be reported to the next available Cabinet meeting.

3. OBJECTIVES

- a) To champion and encourage training and development of Councillors;
- b) To develop and implement a Member Development Strategy;
- c) To be a reference point for Group leaders with regards to member development;
- d) To attend and participate actively in working group meetings;
- e) To assist in the shaping and prioritising of member development activities e.g. Member Training Programme;
- f) To encourage an effective member/officer working relationship that engages all elected Members;
- g) To introduce a process for the implementation of Personal Development Plans and offer Councillors the opportunity to participate in the process;
- h) To ensure that Member Development and training opportunities relate to the Corporate Priorities of the organisation;
- i) To engage all elected Members in the process;
- j) To establish a mechanism to evaluate the overall effectiveness of the Member development process, including statistical data on the level of attendance at training events;
- k) To establish criteria for funding bespoke/individual training and development requests; and
- l) To identify the financial resources required to deliver the training programme.

4. MEMBERSHIP

The membership of the Group being:

- The Governance and Democracy Portfolio Holder (Chairman of the Group)
- Two further Portfolio Holders
- Up to four other Members to maintain political balance within the group

Members of the group will be permitted to send a substitute member to meetings of the group, drawn from the same category of membership as their own.

In addition, the following shall act as advisors to the Group:

- Head of Governance and Democracy
- Head of Planning and Housing
- Democratic Services Manager

The Group will be able to appoint other advisors and nominate other members as observers, as appropriate.

Delegation - The Group shall have delegated authority to determine where a member fails to fulfil the Council's training requirements whether the twelfth month of the member's remuneration shall be paid. These decisions shall only be made when nominated Portfolio Holders are present at the Working Group meeting.

5. QUORUM

The quorum for the Member Development Working Group shall be three, with two Portfolio Holders present where the delegation above is being undertaken.

CASH MANAGEMENT WORKING GROUP

TERMS OF REFERENCE

1. AIM

To act as a sounding board for all matters appertaining to the use and allocation of the Council's Cash Reserves.

2. STATUS

The Cash Management Working Group is a working party, designed to bring together key members and officers to guide and support the development of the Council's investment and resource strategies and associated practices.

3. OBJECTIVES

- a) To act as an advisory group in relation to the development of cash investment strategies and practices; and
- b) To monitor the performance of any external organisation handling the Council's cash reserves.

4. MEMBERSHIP

The membership of the Group will be:

- The Resources and Property Portfolio Holder (Chairman of the Group)
- Four other members to maintain political balance within the Group.

The Executive Director (S151 Officer) shall be invited to attend all meetings of the Group and act as the principal advisor and support officer for its business.

Recommendations from the Group will normally be actioned under officer delegations in the Council's Constitution otherwise they will be taken forward to The Cabinet.

5. QUORUM

The quorum for the Group shall be two.

Article 15 Review and Revision of the Constitution

15.1 Duty to monitor and review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles are given full effect.

15.2 Protocol for monitoring and review of the Constitution by the Monitoring Officer

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution, and to make recommendations for ways in which it could be amended in order to better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

- observe meetings of different parts of the member and officer structure;
- undertake an audit trail of a sample of decisions;
- record and analyse issues raised with him by Councillors, officers, the public and other relevant stakeholders; and
- compare practices in the Council with those in other comparable authorities, or national examples of best practice.

15.3 Changes to the Constitution

Approval

Changes to the Constitution will only be approved by the Council after consideration of a report by the Monitoring Officer. The Monitoring Officer's report will, prior to being submitted to the Council, be submitted to the Audit and Standards Committee, in relation to any changes to the Constitution that affect standards and probity.

Change to a mayoral form of Cabinet

The Council must take reasonable steps to consult with local electors and other interested persons in the District when drawing up proposals and must hold a binding referendum.

Part 3 – Responsibility for Functions

1. Responsibility for functions that are “local choice” functions

The functions are those prescribed by Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. The list indicates whether the function is to be the responsibility of Council or The Cabinet:

- Determination of an appeal against any decision made by or on behalf of the Council will be dealt with by The Cabinet unless the decision is delegated to a non-executive committee, a statutory appeal is available through the courts or the function is delegated to an officer;
- The making of agreements with other local authorities for the placing of staff at the disposal of other local authorities under Section 113 of the Local Government Act 1972 (the Council for non-executive functions and The Cabinet for executive functions);
- Any function under a local act other than a function specified or referred to in Regulation 2 or Schedule 1 will be the responsibility of Council.

Certain Local Choice Functions have been delegated by Council to the Regulatory Committee as detailed in its Terms of Reference.

Regulatory Committee

The statutory Licensing Committee must consist of at least 10 members but not more than 15 members.

Licensing Functions - Terms of Reference

- To deal with all of the Council's functions relating to consents, licences, permits, permissions, certificates and registrations ("licences") including the Council's functions under the Licensing Act 2003, and the Gambling Act 2005, but excluding any licensing policy matters to be addressed exclusively by The Cabinet and matters relating to electoral registration;
- To be and fulfil the responsibilities of the Council's statutory Licensing Committee.

NOTE: No member of the Regulatory Committee may take part in the business of the Council in so far as it concerns licences unless they have participated in such training as may be prescribed by the Council or the Committee from time to time, in connection with licensing matters.

Delegation of Powers

- To consider and determine applications and appeals in respect of licences (save for those licences that are subject to the provisions of either the Licensing Act 2003 or the Gambling Act 2005), where there are valid objections to applications for such licences which are not withdrawn, or where in the opinion of the Head of Paid Service, or an officer designated by him, the suitability of the applicant or the premises are in any doubt;
- To determine all appeals and decisions which are not delegated to officers under the Licensing Act 2003 or the Gambling Act 2005;
- To determine applications to amend the table of fares for Hackney Carriage vehicles.

Enforcement Functions - Terms of Reference

- To determine all enforcement matters that are not delegated to officers.

Delegation of Powers

- All functions in relation to enforcement of development control, save for those powers delegated to officers.

NOTE: No member of the Regulatory Committee may take part in the business of the Council in so far as it concerns enforcement of development control unless they have participated in such training as may be prescribed by the Council or the Committee from time to time, in connection with enforcement of development control.

- Application of the Council's regulatory policies and statutory functions in respect of environmental health issues that are not delegated to officers;
- Subject to the powers delegated to officers, the discharge of any function relating to contaminated land;

- Subject to the powers delegated to officers, the discharge of any function relating to the control of pollution or the management of air quality;
- The passing of a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the Council's area;
- To determine any other matter which constitutes a non-executive function relating to planning, licensing or enforcement matters in so far as such functions are not delegated to officers or reserved to another committee of the Council;
- To make an order identifying a place as a designated public place for the purpose of the exercise of police powers in relation to alcohol consumption.

Licensing Panels - Terms of Reference

- Under Section 10 (i) of the Licensing Act 2003, Sub Committees of the Regulatory Committee (to be known as Licensing Panels) shall have power to discharge the functions of that Committee in respect of licensing matters (including those arising under the Licensing Act 2003 and the Gambling Act 2005) but excluding electoral registration functions;
- A Licensing Panel shall be drawn from the membership at any given time of the Regulatory Committee;
NOTE: No member of the Regulatory Committee may take part in the business of a Licensing Panel unless he/she has taken part in such training as may be prescribed by the Regulatory Committee from time to time, in connection with the functions of the Committee under the Licensing Act 2003 and Gambling Act 2005.
- The Licensing Panel shall consist of three members, with one reserve member and a quorum of three members;
- The selection of Members to form a Licensing Panel on any particular occasion shall be determined by the Head of Governance and Democracy (or such other officer as may be designated by the Head of Paid Service).

Delegation of Powers

- The power to hear and determine any matter referred to it under the provisions of the Licensing Act 2003 or the Gambling Act 2005, subject to any direction given by the Regulatory Committee.

Delegation of Local Choice Functions

The following Local Choice Functions have been delegated to the Committee by Council:

- contaminated land,
- control of pollution,
- management of air quality,
- the service of an abatement notice in respect of statutory nuisance
- the passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act should apply in the Council's area
- the inspection of the Council's area to detect any statutory nuisance or investigation of any complaint relating to statutory nuisance
- the obtaining of information about interests in land under the Town and Country Planning Acts or under section 16 of the Local Government

(Miscellaneous provisions) Act 1976 (unless as a preliminary to the exercise of compulsory purchase powers which shall be undertaken by The Cabinet).

These functions are further delegated by the Committee as set out in the Scheme of Delegations to Officers.

Part 3n

~~(7) Individual Portfolio Delegations~~

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~~Delegations to Portfolio Holders are in the Leader's Report to Annual Council each year. The Leader may re-allocate functions between Portfolio Holders during the Council year. Details of current delegations can be found at Leaders Statement~~

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(8) Scheme of Delegations to officers

General provisions and Authorisations

The Local Authorities (Functions and Responsibilities)(England) Regulations 2000, as amended divides the Council's legal powers and duties into Council functions and Executive functions. ~~This scheme only concerns decision-making in relation to Council functions, as defined by the Regulations.~~

The purpose of this document is to create a scheme of delegation for Council and Executive powers to senior officers. ~~decision-making. Where a particular delegation is one that could be exercised in relation to either a Council function or an Executive function, some of those delegations appear both in this document and in Part 3n. However, if such a delegation is absent from this document, but it appears in Part 3n, the delegation shall be read as applying to both Council and Executive functions.~~ Where possible an indication is given as to whether a particular delegation is derived from an Executive (E) or Council (C) function. However, where a delegation could be exercised in relation to an Executive or a Council function the delegation is shown as (C/E).

Pursuant to the Local Government Act 1972 and the Local Government Act 2000, the Council or the Leader as appropriate delegates to each officer (defined below) full powers to act in all matters within their area of responsibility and as further described in this Scheme.

~~This delegation is subject to specific exclusions or limitations in this Section of the Constitution including:~~ The exercise of any delegated power in this Scheme must comply with:

- ~~The obligation to ensure that all delegated powers are exercised within the approved revenue and capital budgets~~ The obligation to obtain prior approval from the relevant decision maker where the decision involves revenue or capital expenditure (subject to any discretion permitted by the Financial Procedure Rules);
- ~~The need to any acceptance of quotations and tenders must~~ comply with the Contract Standing Orders when accepting any quotation or tender;
- ~~Any exercise of delegated powers shall~~ The need to have regard to any report by the Head of Paid Service, the Monitoring Officer or the officer designated under Section 151 of the Local Government Act 1972;
- ~~Any exercise of delegated powers shall comply with~~ Any statutory restrictions, all policies and procedures approved by Council or The Cabinet, Contract Standing Orders, ~~and~~ Financial Procedure Rules, ~~and~~ the Council's Employee's Code of Conduct and any adopted protocols;
- ~~Any exercise of delegated power shall~~ The need to undertake ~~only take place following~~ appropriate consultation which means that legal, finance and HR advice must be sought if appropriate and ~~that~~ the local Ward Member (and the relevant Portfolio Holder) has been consulted if the matter specifically affects their Ward or is politically sensitive or contentious;
- The obligation to ensure decisions are recorded appropriately and published if necessary.

Delegations outside the Council

Under Section 101 of the Local Government Act 1972 the Council may authorise an officer of the authority to commission and monitor work for and on behalf of the Council by people who are not officers of the authority and such people will be bound by this scheme and the obligations contained in it when acting on behalf of the Council.

Legislation

All references to legislation throughout this document are deemed to mean the current legislation in force to include all subsequent amendments and regulations made under such legislation.

Transfer of Functions

Where the name of a post changes or functions are reallocated delegated powers are retained by the renamed post or transferred to a different post as determined by the Head of Paid Service who shall determine the matter whenever there is any doubt as to where responsibility lies.

Vacancy or inability to act

If a post is vacant or the post-holder is unable to act an Executive Director may designate another officer to act in their place.

Emergency Action

If the authority needs to take any emergency action for the safety of the public or the protection of property an Executive Director may ~~take~~ ~~authorise~~ any action ~~taken~~ or ~~authorise~~ any expenditure ~~incurred~~ as necessary. This delegation includes the power to take a decision and spend money that would normally be the responsibility of The Cabinet or individual Cabinet member where the decision has to be taken immediately in response to an emergency ~~as defined in the Emergency Plan.~~

All such action shall be reported to the relevant Committee, The Cabinet or Council at the earliest opportunity.

If an Executive Director is unwell or unable to act for whatever reason including where there is no Executive Director in post then any Head of Service may act. An Executive Director or Head of Service may delegate responsibility to another nominated officer if appropriate.

Delegations to all Executive Directors and Heads of Service:

1. ~~To have delegated authority for~~ all day to day management and C/E operational decisions;
2. ~~The power~~ To demand, collect, adjust, remit or recover any payments, C/E fees or penalties due to the Council;
3. ~~The power~~ To make grants to Outside Bodies within their service area; C/E
4. ~~Making any~~ To determination, publishing or transmitting documents, C/E ~~serveing~~ Notices or ~~making~~ Orders or ~~authoriseing~~ the making of Orders;

5. ~~Taking~~ To take action under statutory provisions relevant to their areas of responsibility including exercising powers of enforcement and any necessary powers of entry; C/E
6. ~~The power~~ To authorise the exercise of their delegated powers by such other officers or contractors as may be deemed appropriate, subject to ~~and~~ a record of these further delegations ~~shall be~~ being maintained by each service area; C/E
7. ~~The authority~~ To designate "proper" officers under statutory powers; C/E
8. ~~The power~~ To authorise ~~particular~~ officers to attend in court and to authorise officers to prosecute, defend or appear on behalf of the Council; C/E
9. ~~The power~~ To amend, as necessary any fees or charges on a full cost recovery basis if the existing fee is not appropriate and not set by statute ~~after consultation with the Finance and Physical Resources Portfolio Holder;~~ C/E
10. To represent the Council on Outside Bodies and partnerships as appropriate within their service area responsibilities; C/E
11. ~~The power~~ To agree financial contributions or works in mitigation of the impact of planning permissions and to monitor and administer those contributions or works; C/E
12. To exercise all powers in relation to procuring, letting and managing contracts, (subject to any restrictions imposed by Contract Standing Orders) to include any necessary ~~minor~~ variation within budget, to include the service of default notices or any other action necessary to deal with non-performance; C/E
13. To Vire without limit within a specific service; E
14. To approve a transfer of budget from one capital scheme (subject to the transfer not exceeding 10% of the estimated increased capital cost of the project up to a maximum of £50,000) to another, in consultation with the Chief Finance Officer and subject to him/her reporting the action to the next meeting of The Cabinet; E
15. ~~Appropriate Chief Officers may~~ To Dispose of surplus vehicles and equipment (in the case of leased assets, after the agreement of Chief Finance Officer) at the best price reasonably attainable (usually by sealed bids or auction as appropriate), subject to ~~and will keep~~ a record of the action taken and the price received being maintained; E
 - a. To write off any surplus, deficiency or obsolescence of items of stores or materials individually not exceeding £500;
 - b. ~~The~~ To award ~~of~~ parish appraisal capital grants up to a maximum of £5,000 in consultation with the local Ward Members.
16. To exercise all necessary powers to ensure the continuity of operations and core council business in circumstances where a disaster or other unplanned incident threatens to take critical systems or services off line or out of action.

Delegations to Particular Officers

The Officers referred to throughout this section are set out below with their areas of responsibility which include, but are not limited to, the responsibilities listed.

Executive Director (Head of Paid Service)

1. To exercise all powers relating to staff as delegated by the Employment and Appointments Committee including dismissals, early retirements, grading appeals and selection for redundancy save for Heads of Service; C
2. In consultation with the Section 151 Officer and the appropriate Head of Service to implement all terminations of employment on the grounds of redundancy, subject to the Employment and Appointments Committee being advised accordingly; C
3. To approve early retirements of staff, after consultation with the Chairman of Employment and Appointments Committee provided the pay-back period is two years or less; C
4. To deal on behalf of the Council with all relevant joint negotiating bodies; C
5. In consultation with the Joint Consultation and Negotiating Group to determine dates of closure of Council offices in respect of Christmas and Bank Holidays; C
6. To respond to consultation from neighbouring authorities on strategic development proposals and statutory and non-statutory plans and strategies; C/E
7. ~~The power~~ To issue authorisations under the Regulation of Investigatory Powers Act 2000 (RIPA) having regard to any advice from the Senior Responsible Officer under the Council's RIPA Policy; C
8. To represent the Council in partnerships that further economic development or tourism within the area including working with Shakespeare's England on the implementation of the Destination Management Plan for the region; C/E
9. Within the parameters agreed by Council and The Cabinet to implement and monitor the policy framework of the Council; C/E
10. To exercise all powers and duties in relation to Safeguarding; C/E
11. To review organisational structures where the changes do not involve compulsory redundancies that have the agreement of existing staff and/or where any such changes do not require additional budget, which do not require approval of The Cabinet and/or the Council; C
12. To exercise all powers relating to staff, including but not limited to changes to the permanent staffing establishment where the changes fall within the Budget Framework, appointments, dismissals, early retirements, grading and grading appeals and selection for redundancy, save for Heads of Service; C

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|-----|---|-----|
| 13. | In consultation with the Section 151 Officer and the appropriate Head of Service to implement all termination of employment on the grounds of redundancy, subject to the Employment and Appointments Committee being advised accordingly; | C |
| 14. | To approve early retirements of staff, after consultation with the Chairman of Employment and Appointments Committee provided the pay-back period is two years or less; | C |
| 15. | To deal on behalf of the Council with all relevant joint negotiating bodies; | C |
| 16. | To consider and make recommendations to the Council in respect of changes to conditions of service of staff with financial implications that fall outside the approved budget framework of the Council; | C |
| 17. | In the event of a staff appointment where the recruiting manager recommends appointment above the bottom point of the grade the Head of Paid Service shall be authorised to determine that subject to compliance with any relevant HR procedures; | C |
| 18. | To agree to a further payment to staff of temporary lodging costs in addition to the nationally agreed 13 weeks, up to a maximum of £5,000 to allow flexibility when an employee has been unable to find suitable accommodation; | C |
| 19. | To approve expenditure up to £1,000 from the Civic Hospitality Budget, in consultation with the Chief Finance Officer for expenditure over £1,000; | C |
| 20. | To promote international cooperation and friendship within adopted guidelines, including the approval of expenditure from the budget up to a limit of £1,000; | C |
| 21 | To approve individual bids of up to £2,000 from the District Promotion Budget. | C/E |

Executive Director (Section 151 Officer) and/or Chief Finance Officer

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|----|---|---|
| 1. | To exercise all powers and take responsibility under Section 151 of the Local Government Act 1972; | C |
| 2. | To take all necessary action under Section 114 of the Local Government Finance Act 1988 in consultation with the Head of Paid Service and the Monitoring Officer; | C |
| 3. | Within the parameters agreed by Council and The Cabinet to implement and monitor the budget and policy framework of the Council in consultation with the Finance and Physical Resources Portfolio Holder; | C |
| 4. | Operational responsibility for the Members' Allowances scheme; | C |
| 5. | To exercise all powers relating to exchequer, banking operations, treasury management, grant claims by the Council, write-offs within agreed limits (see 13.6 Financial Procedure Rules) , negotiating and maintaining insurance and reviewing and updating the Council's Risk | C |

Management Strategy and maintaining the Anti-Fraud and Corruption Policy.

6. In case of urgency ~~the Chief Finance Officer will have power~~, after consultation with the Leader of the Council, who will, as necessary, consult with the appropriate Portfolio Holder, to approve additional revenue and capital expenditure in accordance with the Budget and Policy Framework. The Chief Finance Officer will report such action to the next meeting of the responsible committee and of The Cabinet; E
7. In case of urgency, the Chief Finance Officer after consultation with the Leader of the Council, who will, as necessary, consult with the appropriate Portfolio Holder, may authorise 'slippage' with the details of such slippage being reported to the next meeting of The Cabinet; E
8. To make reductions or allowances in accounts due up to a maximum of £5,000 or any sum when the debtor has become insolvent in accordance with the Insolvency Acts, or for the sole purpose of the correction of errors; E
9. To maintain an effective system of internal audit in compliance with current legislation; C
10. ~~The power~~ To issue authorisations under the Regulation of Investigatory Powers Act 2000 (RIPA) having regard to any advice from the Senior Responsible Officer under the Council's RIPA Policy; C
11. To undertake the following in respect of the Assets of Community Value provisions of the Localism Act 2011, in both cases following consultation with the Leader of the Council: E
 - a. To consider and determine requests from asset owners for review of decisions to include as asset on the list of Assets of Community Value;
 - b. To consider and determine requests for review on compensation determination from asset owners for lost and expense incurred through assets being included on the list of Assets of Community Value.

Head of Governance and Democracy and Monitoring Officer

To exercise all necessary powers in ~~relation to~~ the following:

1. To institute and defend any legal proceedings in the name of the Council including all steps necessary to pursue or defend such proceedings; C/E
2. To settle any claims or proceedings; C/E
3. To instruct Counsel or seek other external legal advice within budget; C/E
4. To exercise all powers in relation to the Members' Code of Conduct; C
5. To exercise all powers in relation to Data Protection, the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and all information-related issues including transparency. This includes responsibility to undertake internal reviews where a request for C/E

information has been made and the person making the request is unhappy with the Council's initial response. In the event that the Head of Governance and Democracy is unable to act in this capacity for any reason, an officer nominated by him/her shall perform this role;

6. To sign certificates ~~by the Council~~ under the Local Government (Contracts) Act 1997 in consultation with the Section 151 Officer; C/E
7. To certify resolutions and documents as being true copies; C/E
8. To sign on behalf of the Council any deed or other document authorised by the Council or which is necessary or desirable to give effect to any decision of Council unless legislation requires otherwise or Council has authorised another person for some specific purpose; C/E
9. ~~The power~~ To make any administrative changes to the Constitution required to ensure the Constitution remains effective and up to date including changes required by law; C
10. To appoint substitute members to an Investigation and Disciplinary Panel and an Appeals Panel established by the Employment and Appointments Committee on instructions from the relevant Group Leader as necessary (or in a case where the Monitoring Officer has a conflict of interest, a Deputy Monitoring Officer shall have authority to exercise these powers. C
11. To convene an Independent Panel and appoint independent persons to the Panel in the event that the Investigation and Disciplinary Panel recommend the dismissal of a Statutory Officer to full Council (or in a case where the Monitoring Officer has a conflict of interest, a Deputy Monitoring Officer shall have authority to exercise these powers); C
12. To receive and determine written requests for dispensations to participate and vote at Council meetings under Section 33 of the Localism Act 2011; C
13. To exercise all necessary powers in relation to Land Charges; C/E
14. To undertake Community Governance Reviews and the necessary consultation with a view to making recommendations and subsequently publishing the outcome of the review; C
15. To exercise all powers in relation to the Council's statutory role in Community Protection and Community Safety including all powers under the Anti-Social Behaviour, Crime and Policing Act 2014; E
16. To administer the Community Safety grants and other Crime and Disorder funds, ~~in consultation with the Finance and Physical Resources Portfolio Holder;~~ E
17. To exercise all powers in relation to responsibility for CCTV; E
18. To exercise the Council's powers under the Scrap Metal Dealers Act 2013 subject to any powers otherwise delegated to a Portfolio Holder; E
19. To exercise the Council's ~~or the Executive's (as the case may be)~~ powers in relation to the ~~activities in this section:~~ functions in this paragraph 19, paragraph 20 and paragraph 21, but subject to paragraph 22: residential and holiday caravan sites, ~~public entertainment licences~~ alcohol, regulated entertainment and late night refreshment licences C

, amusements with prizes, charitable collections, ~~cinema and theatre licences,~~ lotteries and amusements, pleasure boat licences, street trading, hackney carriages, omnibus and private hire licensing, and all other ~~licensable activities~~ licensing functions including in relation to licences, consents, permits, registrations and certificates;

20. The powers set out in paragraph 19 shall include:-

20.1 the power to revoke or suspend, or suspend with immediate effect drivers licences, hackney carriage licences, private hire licences and operators licences in circumstances where there is an immediate and serious threat to public safety;

20.2 the power to serve, vary or revoke a compliance notice under the Caravan Sites and Control of Development 1960 as amended by the Mobile Homes Act 2013;

20. ~~To issue consents, licences, permits, registrations or certificates with appropriate conditions and to exercise rights of entry, pursue enforcement powers and institute legal proceedings where appropriate in respect of all legislation affecting this service area save that where there are applications or appeals where a valid objection(s) or representation is made and not withdrawn the matter shall be referred to the Regulatory Committee.~~
20. 21. To determine whether a complaint or representation under the Licensing Act 2003 or the Gambling Act 2005 is irrelevant, frivolous or vexatious; C
21. 22. Where there are valid objections or representations that are not withdrawn the matter shall be referred to the relevant Committee or Panel in accordance with Part 3 of the Constitution; C
22. ~~The licensing of Hackney Carriages and drivers, private hire vehicles and drivers, operators and drivers subject to the applicant's right of appeal.~~

Head of ICT and Revenues

To exercise all necessary powers in the following areas:

1. ICT and Geographical Information Systems; business continuity E
2. Housing Benefits, Council Tax (including Local Council Tax Reduction Scheme), National Non Domestic Rates; C/E
3. ~~Award revenue grants to individuals and organisations, including the award of grants up to a maximum of £400, in accordance with the guidelines laid down from time to time by The Cabinet.~~ The granting of discretionary or statutory reliefs for business rates, council tax and housing benefit.

Head of Planning and Housing

To exercise all necessary powers and duties in relation to planning development control, planning enforcement and all housing related legislation including, but not limited to, the specific delegations listed below: ~~in the following areas:~~

General

- ~~1. To issue consents, permits, registrations or certificates with appropriate conditions and to exercise rights of entry, pursue enforcement powers and institute legal proceedings where appropriate in respect of all legislation affecting this service area save that where there are applications or appeals where a valid objection(s) or representation is made and not withdrawn the matter shall be referred to the Planning Committee;~~

Planning

Planning including development control, built environment, heritage, tree and landscape, and enforcement matters to include the following:

1. To exercise all powers and duties relating to enforcement of planning control in relation to planning contravention notices, Section 330 Notices, Section 16 Notices, Section 215 Notices, Completion Notices, Breach of Condition Notices, Temporary Stop Notices, Stop Notices, Planning Enforcement Orders, Removal Notices (under section 225A of the 1990 Act) and to issue Enforcement Notices and Listed Building Enforcement Notices where a retrospective application has been refused; C
2. To institute legal proceedings for the unlawful display of advertisements, unlawful works to listed buildings or for demolition in a Conservation Area, or any lopping, topping or felling of a tree or trees subject to a Tree Preservation Order or to any trees in a Conservation Area and removal of hedgerows in breach of the Hedgerow Regulations 1997; C
3. To institute legal proceedings under the Town and Country Planning Acts for non-compliance with planning contravention notices, Section 330 notices, Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 Notices (or providing false or misleading statements in connection with said notices or in applications for certificates of lawfulness), enforcement notices, breach of condition notices, listed building enforcement notices, stop notices, temporary stop notices, completion notices, Section 215 notices and Injunction Orders; C
4. To take appropriate action where a breach of planning control has taken place, or to protect the amenity of the area, land or building, after consultation with Ward Member except where the officers and Ward Member do not agree; C
5. To present the Council's case in planning enforcement appeals in consultation with the Head of Governance and Democracy; C
- ~~6. To issue an Urgent Works Notice under Section 54 of the Listed Buildings Act;~~
6. To take all steps necessary to prevent unauthorised works to Listed Buildings or unauthorised works to protected trees in consultation with the Head of Governance and Democracy;

7. To issue a Discontinuance Notice under the Control of Advertisement Regulations; C
8. To take appropriate enforcement or legal action where a breach of planning control is apprehended after consultation with Ward Member(s) except where the officers and Ward Member(s) do not agree. Where the Ward Member(s) is not available consultation shall be with the Chairman or Vice-Chairman of the Regulatory Committee; C
9. To close an enforcement case where there is a breach of planning control but it is not considered expedient to take any formal action, subject to agreement from the relevant Ward Member(s); C
10. To decline to determine a retrospective planning application in accordance with Section 70 of the Town and Country Planning Act (as amended by the Localism Act 2011); C
11. To issue a decision notice in respect of all valid planning applications and if applicable, to require an applicant to enter into a any relevant planning agreement, or obligation or similar agreement including (if applicable) the Community Infrastructure Levy with the Council, County Council or any other relevant body, statutory undertaker. The with the Head of Service is permitted to agree any subsequent amendments to the planning agreement or obligation, subject to consultation with the Ward Member and the agreement of the Chairman of the relevant Planning Committee; C
12. Determination of applications for Lawful Development Certificates in respect of existing or proposed use or Development, Certificates of Lawful Proposed Works to listed buildings or Certificates of Appropriate Alternative Development; C
13. To instruct the Head of Governance and Democracy to make and serve a Building Preservation Notice in accordance with Section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990 such action to be reported in detail to the first available Regulatory Committee; C
14. To deal with non-material amendments to approved plans and the discharge of conditions; C
15. To determine the type of planning appeal and to defend all types of planning appeal (including an application where the Local Planning Authority is notified under other legislation) and to amend the Council's case before or during the course of such a planning appeal, the latter being subject to consultation with the appropriate relevant Ward Member and the Chairman of the relevant Planning Committee the Leader of the Council and the Portfolio Holder for Planning and Administrative Services; C
16. To respond to County Council planning applications; C
17. To respond to notifications of ecclesiastical exemptions from Listed Building and Conservation Area control; C
18. To issue screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and to undertake appropriate consultations and notifications; C
19. To determine all matters under the Town and Country planning legislation C

including an application where the Local Planning Authority is notified under other legislation save where: ~~save that delegated powers will not be exercised if the application is for a substantial development proposal, save where the officer proposes to refuse planning permission and the relevant Ward Member(s) and Parish/Town Council have expressed agreement in writing to that proposal and the reasons for the proposed refusal. The term "substantial development proposal" shall mean:~~

~~19.1 Residential development where the scheme involves 10 or more dwellings (net increase over existing or permitted) or where outline application relates to a site of 0.5 hectares or more;~~

~~19.2 The floor space created is 1000 square metres or more or where outline application is for a site of 1 hectare or more;~~

~~19.3 The following matters, where they relate to applications which have separately been regarded as Substantial Development proposals, will also be regarded as Substantial Development proposals and determined accordingly unless the relevant Ward Member and the relevant Town/Parish Council agree that it can be dealt with under delegated powers,~~

- ~~• applications for approval of reserved matters;~~
- ~~• applications for renewal of planning permission;~~
- ~~• applications for the variation or removal of planning conditions; or~~
- ~~• applications involving an alternative form of development of a similar type on land already committed to such form of development by grant of planning permission.~~

19.1 The relevant Ward Member or Parish/Town Council have, after being consulted on a planning application or approval of reserved matters, expressed in writing a material planning reason to the contrary within fifteen working days of the date of the notification of the application*, the Ward Member (or another Member acting as a nominated substitute) and/or Parish/Town Council will be permitted to attend the relevant Planning Committee to put their case **BUT** in the event that neither attend and no other person(s) has registered to speak, then the matter may be delegated to the Head of Planning and Housing by the Chairman of the Planning Committee at the relevant Planning Committee meeting;

C

~~*save where it is a Planning in Principle application to which a material reason should be submitted within ten working days~~

19.2 Where the Head of Planning and Housing in consultation with the Chairman of the relevant Planning Committee believes that the application has generated significant public interest, or in any other respect merits consideration by the Planning Committee;

C

19.3 Where the application is made on behalf of the Council itself or is submitted on behalf of any Councillor, member of staff or their immediate family.

C

20. ~~In addition delegated powers will not be exercised~~

20.1 ~~Where power is proposed to be exercised in respect of any other planning application and the relevant Ward Member(s) or Parish/Town Council~~

have expressed in writing a material planning reason (including where the material considerations are finely balanced or where the planning history of the site justifies it) to the contrary within 15 working days or 21 calendar days (whichever is the longer) of the date of the notification of the application the Ward Member who has called it in (or another Member nominated by him or her) will be requested to attend Planning Committee to put their case;

20.2 Where the Head of Planning and Housing in consultation with the Chairman of the relevant Planning Committee believes that the application has generated significant public interest, or in any other respect merits consultation with the Chairman;

20.3 Where the application is made on behalf of the Council itself or is submitted on behalf of any Councillor, member of staff or their immediate families.

Trees and Hedgerows

1. To instruct the Head of Governance and Democracy to issue and serve a Tree Preservation Order such action to be reported to the relevant Planning Committee for confirmation where any objection is lodged against confirmation of the Order; C
2. To instruct the Head of Governance and Democracy to amend and update a Tree Preservation Order where there has been a change in conditions since the making of the original Order; C
3. Power to deal with intended lopping, topping or felling of trees in a Conservation Area save that where the Head of Planning and Housing and the relevant Ward Member have a difference of opinion the issue shall be referred to the relevant Planning Committee for confirmation or non-confirmation of the Tree Preservation Order; C
4. Power to deal with intended lopping, topping or felling of trees subject to a Tree Preservation Order save that where the Head of Planning and Housing and the relevant Ward Member have a difference of opinion the application shall be referred to the relevant Planning Committee for determination; C
5. To serve replacement planting notices where trees subject to a Tree Preservation Order have been felled with or without consent; C
6. To respond to the Forestry Commission on tree related applications; C
7. To deal with five working day notifications for dead and/or dangerous trees and dealing with dangerous trees under the Local Government (Miscellaneous Provisions) Act 1976, Section 23; C
8. To present the Council's case in respect of appeals relating to ~~these matters.~~ Delegations 1 – 7 above; C
9. Registration, administration and determination of notifications under the Hedgerow Regulations 1997 or any successor legislation and to issue Hedgerow Retention Notices where appropriate; C
10. To institute legal proceedings against the unauthorised removal of a hedgerow in contravention of the Hedgerow Regulations 1997; C

11. Authority to determine all high hedge complaints under Part 8 of the Anti-Social Behaviour Act 2003 and to enter onto land for the purpose of discharging the Council's powers and duties under the Act including the service of High Hedge Remedial Notices, to present the Council's case in respect of appeals and to undertake enforcement action; C
12. To apply for an injunction under the Hedgerow Regulations 1997 or any successor legislation in consultation with the Head of Governance and Democracy. C

Housing

1. To exercise all powers in respect of housing (excluding housing policy) and homelessness legislation in consultation where necessary with the Head of Governance and Democracy. E

Head of Technical and Community Services

To exercise all necessary powers in the following areas, including:

1. Environmental protection including statutory nuisances, and pollution control including contaminated land and the management of air quality; C
2. Building Control, car parking, dog warden, sports, leisure and play areas, street-cleaning, grounds maintenance, facilities management, pest control, public conveniences, recycling, refuse collection, food inspection, hygiene, poisoning and safety and public health; ~~to include the following:~~ C/E

General

1. ~~Procuring, letting and managing contracts with external providers for services to include minor variations to contracts with external providers within budget in consultation with the Technical and Community Services Portfolio Holder and the service of default notices or any other action necessary to deal with non-performance;~~
3. Responsibility for recreational and amenity ~~properties~~ land including public open spaces and gardens ~~subject to consultation with the Section 151 Officer;~~ E
4. Exercise all powers relating to the Council ~~owned land~~ ~~holdings~~, including these categories of business in consultation with the Resources and Property Portfolio Holder and the Head of Governance and Democracy: E
 - a) Acquisition or termination of leases of ~~up to 7 years~~ with an aggregate value of up to £500,000 ~~less;~~
 - b) Assignments, rent reviews, terminable licences for access or other purposes and forfeiture of leases where the aggregate value is £250,000 or less; and
 - c) Disposal of freehold property up to the value of ~~£125,000~~ £250,000.

5. To determine applications received for easements over Council-owned village greens, in consultation with the Resources and Property Portfolio Holder and the Head of Governance and Democracy; E
6. To Make ~~ing~~ planning applications on behalf of the Council; E
7. To take action under the Clean Neighbourhoods and Environment Act 2005 in respect of littering, graffiti and fly-posting; E
8. To take action to prevent unauthorised entry to buildings or to prevent buildings becoming a danger to public health; E
9. To take action under the Building Act 1984; E
10. ~~Responsibility~~ To take appropriate action ~~for~~ in relation to abandoned vehicles; E
11. To institute legal proceedings in respect of breach of the Council's Off Street Parking Regulations; E
- ~~11. To enforce all parking legislation;~~
12. To review and set Building Regulation Charges on a cost recovery basis in consultation with the Section 151 Officer; E
13. Subject to consultation with the local Ward Member, relevant Town or Parish Council and the Council's Building Control service, to agree or object to street naming proposals, provided that, where there is an objection, any determination of an application is reserved to the appropriate Portfolio Holder; C/E
14. To consult and respond to consultation on the making of Bridleway and Public Footpath Creation, Diversion and Extinguishment Orders and to make and confirm those Orders where no objection is formally submitted as part of the pre-order consultation period and/or the public consultation period, subject to consultation with the relevant Parish/Town Council, Parish Meeting and the Ward Member; C
15. To undertake the following in respect of the Assets of Community Value provisions of the Localism Act 2011: E
 - a) in consultation with the Community and Technical Services Portfolio Holder, and appropriate Ward Member, to consider and determine nominations for inclusion on the list of Assets of Community Value; and
 - b) in consultation with the Council's retained Valuer and the Accountancy Section to consider and determine applications for compensation from asset owners for loss and expense incurred through assets being included on the list of Assets of Community Value.

Environment

1. To act on behalf of the Council in respect of the Council's responsibilities as an employer in relation to Health and Safety including cooperation with the Health and Safety Executive; C/E

2. To act on behalf of the Council in respect of all public health legislation in consultation where necessary with the Head of Governance and Democracy; E
3. To make arrangements for ~~deal with~~ the disposal of the dead in the absence of next of kin; E
4. To take all necessary action against person(s) residing in a vehicle or vehicles on any land forming part of a highway, on any other unoccupied land or on any occupied land without the consent of the occupier; E
5. To take action under the Health Act 2006 (smoking in a public place); E
6. Enforcement of Sunday trading legislation. E

Miscellaneous

1. Making observations and objections to applications for licences for Goods Vehicle Operating centres and related matters; E
2. To make orders for the temporary closure of roads; E
3. To exercise the Council's powers and duties under the Party Wall Act 1996; E
4. To take action to enforce liability to maintain un-adopted highways, deal with any interference or obstruction to highways and streets and undertaking urgent repairs to private streets; C/E
5. To exercise the Council's powers and duties relating to land drainage; E
6. To manage the dog warden service and dog fouling control. E

Part 4 - Rules of Procedure

(1) Council Procedure Rules

Contents

1. Annual meeting of the Council
2. Ordinary meetings
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18. Previous decisions and motions
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23. Members' conduct
24. Disturbance by public
25. Suspension and amendment of Council Procedure Rules
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Note: That for all purposes when computing time in relation to the Constitution, "clear days" be used and that for the avoidance of doubt a clear day is one when the Council offices are open to the public.

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

In a year of District Council elections, the Annual Meeting of the Council will be held no earlier than the second Wednesday and no later than the third Wednesday after the date of those elections. In a year when there are no such elections, the Annual Meeting will be held on the Wednesday most nearly corresponding.

The business for the Annual Meeting shall be as specified on the agenda in the following order:

- the Council (after electing a person to preside if the Chairman of the Council is not present) will firstly elect the new Chairman of the Council followed by the election of the new Vice-Chairman of the Council;

Note: If a vote is required, a secret ballot will be held using plain pieces of paper upon which each Councillor wishing to vote will write the name of one of the candidates. The ballot will be decided on a simple majority. However, if there is an equality of votes between the candidates, the Chairman of the meeting shall have a second, or casting, vote.

No Councillor will be eligible for nomination to the office of Chairman of the Council for a second consecutive year.

The newly elected Chairman of the Council, or in his absence, the newly elected Vice-Chairman of the Council will take the Chair and thereafter the Council will:

- receive apologies for absence;
- receive any declarations of interest from members;
- approve the Minutes of the last meeting;
- receive any announcements from the Chairman of the Council and/or the Head of Paid Service or his nominated representative;
- note the results of the elections, if held; ~~and elect the Leader when required to do so in accordance with statutory requirements;~~
- ~~elect a Leader (if so required);~~
- receive from the Leader of the Council a report on The Cabinet Arrangements in accordance with The Cabinet Procedure Rule 1.2: [Leaders Statement](#). Note: the Leader may amend his/her Statement (this document is also referred to as The Scheme of Delegation for Executive Powers to the Cabinet and Members of the Cabinet) at any time during the Municipal Year without referring back to Council, with Members to be notified;

- appoint members to the Overview and Scrutiny Committee, to the Audit and Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved specifically to the Council nor are Executive functions and agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3) and consider any other business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

Save for any sub-Committee established by the Employment and Appointments Committee in matters of discipline or competence relating to a Statutory Officer, at the Annual Meeting, the Council will:

- decide subject to the final paragraph above, which Committees and Sub-Committees to establish for the municipal year;
- decide the size of those Committees;
- decide the allocation of seats and substitutes to Political Groups in accordance with the political balance rules;
- receive nominations of Councillors to serve on each Committee and Outside Body; and
- appoint to those Committees and Outside Bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by The Cabinet.

1.3 Appointment of Substitute Members of Committees and Sub-Committees

As well as allocating seats on Committees and Sub-Committees, the Council will allocate seats in the same manner for substitute members as follows:

- For each Committee or Sub-Committee, the Council will appoint the same number of substitutes in respect of each Political Group as that group holds ordinary seats on that Committee or Sub-Committee, up to a maximum of three, (save that this limitation does not apply to the Planning Committees, Regulatory Committee, Overview and Scrutiny Committees, or Licensing Panels).
- The Council authorises the Monitoring Officer (or a Deputy Monitoring Officer in a case where the Monitoring Officer is the subject of a disciplinary process) to appoint substitutes to a Sub-Committee established by the Employment and Appointments Committee under Council Procedure Rule 1.2 from the wider Council, in accordance with the Political Balance Rules, on the instructions of the relevant Political Group.

2. ORDINARY MEETINGS

For the remainder of these Council Procedure Rules the term "Chairman" means the Chairman of the Council, the Vice-Chairman of the Council or the Councillor chairing

the meeting. Any specific reference to "Chairman of the Council" refers to the office holder specifically (Vice-Chairman in absence).

Ordinary meetings of the Council will take place unless otherwise notified, at 2.00 pm on five occasions in every year in accordance with a timetable to be approved by the Council.

Ordinary meetings will:

- 2.1** elect a person to preside if the Chairman of the Council and Vice-Chairman of the Council are not present;
- 2.2** receive any apologies for absence;
- 2.3** receive any declarations of interest from Councillors;
- 2.4** elect a Leader (if so required);
- 2.5** receive any announcements from the Chairman, Leader, members of The Cabinet or the Head of Paid Service;
- 2.6** report any petitions and requests to address the Council on an item on the agenda or to receive an address from an organisation which is of importance to the district;
- 2.7** consider any other business or motions which the Chairman has decided are urgent and which are not included in the agenda;
- 2.8** approve the Minutes of the last meeting;
- 2.9** receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- 2.10** deal with any business from the last Council meeting;
- 2.11** receive reports from The Cabinet and the Council's Committees and receive questions and answers on any of those reports;
- 2.12** receive reports about and receive questions and answers on the business of joint arrangements, external organisations and partnerships;
- 2.13** receive questions including written questions submitted by members and questions to the Leader of the Council under Rules 12 and 13;
- 2.14** consider motions of which notice has been given in the order in which they have been received;
- 2.15** appoint councillors to Committees and Outside Bodies in accordance with Council Procedure Rules 1.2 and substitute members in accordance with 1.3 following a review of political balance and a determination of the allocation of seats in accordance with statutory requirements;

- 2.16 consider any other business specified in the summons to the meeting, including consideration of proposals from The Cabinet in relation to the Council's Budget and Policy Framework and reports of the Overview and Scrutiny Committee for debate;
- 2.17 if necessary pass a resolution to exclude the public for any items involving the likely disclosure of exempt or confidential information;
- 2.18 receive any Minutes and reports from The Cabinet and Committees as appropriate containing exempt or confidential information and receive questions and answers on any of those minutes and reports; and
- 2.19 consider any other exempt or confidential business on the agenda.

3. EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings

Those listed below may request the Head of Paid Service to call Council meetings in addition to ordinary meetings:

- the Council by resolution;
- the Chairman of the Council;
- the Monitoring Officer; and
- any five members of the Council if they have signed a requisition presented to the Chairman of the Council and he has refused to call a meeting or has failed to call a meeting within seven clear days of the presentation of the requisition.

3.2 Business

The business to be conducted at extraordinary meetings will whenever possible be restricted to a single item, with no consideration of previous minutes or reports, to preserve the use of extraordinary meetings for debates concerning one-off, major matters. Members of the public may make oral representations at extraordinary meetings subject to the following:

- Each speaker shall provide the Head of Paid Service or an officer nominated by him notice in writing (which can be sent electronically) by not later than midday two clear days before the meeting giving their name and address and the issue they wish to raise or speak on;
- A maximum of 3 minutes shall be allowed for each speaker;
- Representations shall be limited to the item(s) in the agenda for which the meeting has been called;
- A maximum of 15 minutes shall be allowed for all representations.

4. DECLARATIONS OF INTEREST

A Councillor having an interest as defined in the Members' Code of Conduct must disclose to any meeting of the Council the existence and nature of that interest unless dispensation has been granted by the Audit and Standards Committee in accordance with guidance from the Secretary of State. Disclosure of any such interest should be made at the commencement of consideration of the matter or when the interest becomes apparent.

5. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Head of Paid Service and notified in the summons but unless otherwise notified, all meetings of the Council will take place at Elizabeth House, Church Street, Stratford upon Avon.

6. NOTICE OF AND SUMMONS TO MEETINGS

The Head of Paid Service will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Head of Paid Service will send a summons signed by him or her by post to every member of the Council or will send it in electronic form to the electronic address set up for the member by the Council for that purpose. All electronic communication will comply with the Council's ICT Policy.

Where it is sent by post the summons can be left at the usual place of residence of the member. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available. Any notice sent in electronic form shall be deemed to have been received on the day on which the electronic communication is sent.

Electronic versions of agendas and Minutes must be treated exactly the same as paper versions in relation to their circulation and publication. Particular care must be taken with exempt papers.

7. CHAIRMAN OF THE MEETING

Any Councillor presiding at the meeting may exercise any power or duty of the Chairman.

The decision of the Chairman on all questions of order, relevance and regularity and the interpretation of these Procedure Rules shall be final and not open to discussion. It shall be the duty of the Chairman to stop any discussion which, in his judgement, is irrelevant or outside the work of the Council.

8. QUORUM

The quorum of a meeting will be one quarter of the whole number of Councillors. During any meeting if the Chairman declares there is not a quorum present, then the meeting will adjourn immediately. The meeting may be adjourned initially for a period of 15 minutes to see if a quorum can be achieved. If it cannot then the meeting is adjourned permanently and the remaining business will be considered at a time and date fixed by the Chairman or will be considered at the next ordinary meeting.

9. DURATION OF MEETING

Unless the majority of Councillors present vote for the meeting to continue, any meeting that has lasted for three and a half hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he does not fix a date, the remaining business will be considered at the next ordinary meeting.

10. QUESTIONS BY THE PUBLIC

10.1 General

Members of the public may ask questions of members of The Cabinet or Committee Chairmen at ordinary meetings of the Council at the specified point in the proceedings, each questioner to be allowed no more than three minutes. No more than fifteen minutes in total will be allowed for this purpose.

10.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

10.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Head of Paid Service no later than midday two clear days before the day of the meeting. Each question must give the name and address of the questioner.

10.4 Number of questions

At any one meeting no person may submit more than two questions and no more than two such questions may be asked on behalf of one organisation.

10.5 Scope of questions

The Head of Paid Service may reject a question if it:

- is not about a matter for which the Council has a responsibility or which affects the District;
- is defamatory, frivolous or offensive;
- involves ongoing litigation or negotiations which the Council is engaged in;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- requires the disclosure of confidential or exempt information; or
- is about a planning, licensing or standards matter involving an individual or applicant for permission.

10.6 Record of questions

The Head of Paid Service will immediately send a copy of the question to the Leader of the Council. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all Councillors and will be made available to the public attending the meeting.

10.7 Asking the question at the meeting

The Chairman will invite the questioner to put the question. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

10.8 Supplementary question

A questioner who has put a question in person may also put one supplementary question without notice to the Councillor who has replied to his or her original question.

A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Rule 10.5 above.

10.9 Written answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Councillor to whom it was to be put, will be dealt with by a written answer.

10.10 Reference of question to The Cabinet or a Committee

Unless the Chairman decides otherwise, no discussion will take place on any question, but any Councillor may move that a matter raised by a question be referred to The Cabinet or the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

11.REPORTS OF THE CABINET AND COMMITTEES

11.1 The reports of the meetings of The Cabinet and Committees held since the last Ordinary Meeting of the Council will be considered. Recommendations from The Cabinet and the Council's Committees will be considered in separate reports first. The remaining Minutes will be noted unless any member wishes to

- comment upon any item;
- ask a question arising out of any such item.

11.2 The Chairman will invite the Leader of the Council and the Chairman of each Committee to present the report by calling each item in turn. When any item is reached, any Councillor may

- move either to disagree with an item or, that any such item be referred back to a Committee, except where the Committee has exercised its delegated powers;
- move that the Council regrets the exercise by The Cabinet or Committee of its delegated powers, as disclosed by any such item;
- move an amendment to any recommendation contained in any such item.

11.3 No discussion shall take place upon any question or answer to any question under 11.1, but the Chairman may permit the Councillor who asked the question to put a supplementary question, provided that it does not introduce any new matter.

11.4 When all matters arising from a numbered item have been disposed of, any recommendation contained therein, or any amended recommendation, shall be deemed to have been adopted unless a contrary decision has been made. The Leader of the Council or the Chairman of the appropriate Committee shall then call the number of the next item. Except at the discretion of the person presiding at the meeting, the Council shall not then consider any previous item or items.

11.5 When all matters contained on the last numbered page of a Committee's report have been dealt with, the Leader of the Council or the Chairman of appropriate Committee shall, unless all of the items of the report have been referred back, move that the report, as presented or as amended, as the case may be, be adopted. This motion does not require a seconder and shall be voted upon immediately and without discussion.

11.6 The expressions "Leader of the Council" or "Chairman of the Committee" for the purpose of this Rule includes any other Councillor who, on that occasion, is presenting The Cabinet's or Committee's report.

12. QUESTIONS ON NOTICE

12.1 Subject to the rules under 12.2, a member of the Council may ask:

- the Chairman of the Council;
- a member of The Cabinet;
- the Chairman of any Committee or Sub-Committee,

a question on any matter in relation to which the Council has powers or duties or which affects the District.

12.2 Notice of questions

A member may only ask a question under Rule 12.1 if either:

- they have given at least four clear days' notice in writing of the question to the Head of Paid Service; or

- if the question relates to urgent matters, they have the consent of the Chairman of the Council, a member of The Cabinet, or Committee Chairman to whom the question is to be put and the content of the question is given to the Head of Paid Service by 10.00 am on the day of the meeting; or

Written answers to questions asked under 12.2 shall be circulated one hour before the time of the meeting.

12.3 Response

Every member of the Council (and the representatives of the press present at the meeting unless the Head of Paid Service or Monitoring Officer considers that the question and/or its reply contain materials which would justify the exercise by the Council of its power of exclusion of the public under Section 100A(4) of the Local Government Act 1972), shall be supplied with a written copy of the question and of the reply.

Unless the question and/or reply contain such exempt information they will be appended to the Minutes of the meeting.

12.4 Supplementary question

A Councillor asking a question under Questions on Notice may ask one supplementary question without notice of the Councillor to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

13. QUESTIONS TO THE LEADER

13.1 Up to 30 minutes will be allowed at each meeting.

13.2 A Councillor is permitted to speak for no more than three minutes with each question to be taken in turn.

13.3 A Councillor may ask no more than two questions.

13.4 Questions must relate to the work of the District Council.

13.5 No question shall be allowed if it relates to a question asked at the same meeting under the Rule 12.1.

14. MOTIONS ON NOTICE

14.1 Notice

Except for motions which can be moved without notice under Rule 15, notice of every motion must be in writing, signed by the proposer and seconder or sent by electronic mail from the proposer and seconder and be delivered to the Head of Paid Service not later than Noon on the tenth clear day before the date of the meeting.

14.2 Motion set out in agenda

Subject to the rules under Scope below, motions for which notice has been given will be listed on the agenda in the order in which notice was received,

unless the Councillor giving notice states, in writing, that they propose to move it to a later meeting or withdraw it. If in the opinion of the Head of Paid Service the motion relates to a matter that falls within the terms of reference of The Cabinet or a Committee, it shall be referred in the first instance to The Cabinet or Committee, as the case may be. The Head of Paid Service shall indicate on the agenda how the Notice of Motion shall be dealt with.

14.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the District and must not be frivolous, offensive or defamatory. The Head of Paid Service shall reject any proposed motion that does not comply with these conditions.

15.MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- 15.1** to appoint a Chairman of the meeting at which the motion is moved;
- 15.2** in relation to the accuracy of the Minutes;
- 15.3** to change the order of business in the agenda;
- 15.4** to refer something to an appropriate body or individual;
- 15.5** to appoint a Committee or named Councillor arising from an item on the summons for the meeting;
- 15.6** to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- 15.7** to withdraw a motion;
- 15.8** to amend a motion;
- 15.9** to proceed to the next business;
- 15.10** that the question be now put;
- 15.11** to adjourn a debate;
- 15.12** to adjourn a meeting;
- 15.13** that the meeting continue beyond three and a half hours in duration;
- 15.14** to suspend a particular Council Procedure Rule;
- 15.15** to exclude the public and press in accordance with the Access to Information Rules;
- 15.16** not to hear further a Councillor named under Rule 23.3 or to exclude them from the meeting under Rule 23.4; and

15.17 to give the consent of the Council where its consent is required by this Constitution.

16. RULES OF DEBATE

16.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

16.2 Requirement to put motion or amendment in writing

If not already included in the agenda, a motion (other than a procedural motion under 15 above) and/or amendment must be put in writing by the proposer and handed to the Chairman.

16.3 Secunder's speech

When seconding a motion or amendment, a Councillor may reserve his speech until later in the debate.

16.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Council.

16.5 When a Councillor may speak again

A Councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- to speak once on an amendment moved by another Councillor;
- to move a further amendment if the motion has been amended since he last spoke;
- if his first speech was on an amendment moved by another Councillor, to speak on the main issue (whether or not the amendment on which he spoke was carried);
- in exercise of a right of reply;
- on a point of order; and
- by way of personal explanation.

16.6 Amendments to motions

An amendment to a motion must be relevant to the motion and will either be:

- to refer the matter to an appropriate body or individual for consideration or reconsideration;
- to leave out words;

- to leave out words and insert or add others; or
- to insert or add words,

as long as the effect to leave out or insert or add words is not to negate the motion.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

If an amendment is not carried, other amendments to the original motion may be moved.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, and if there are none, put it to the vote.

The Chairman may permit two or more amendments to be discussed together if this is likely to help the proper conduct of the Council's business but each amendment must be voted upon separately.

16.7 Withdrawal of motion

A Councillor may withdraw a motion which he has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

16.8 Right of reply

Only the proposer of a motion has the right to reply at the close of the debate on the motion immediately before it is put to the vote.

At the close of a debate on an amendment:

- The proposer of the original motion has the right to reply;
- The proposer of the amendment has no right to reply.

16.9 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- to withdraw a motion;
- to amend a motion;
- to proceed to the next business;

- that the question be now put;
- to adjourn a debate;
- to adjourn a meeting;
- that the meeting continue beyond three and a half hours in duration;
- to exclude the public and press in accordance with the Access to Information Rules;
- to not hear further a Councillor named under Rule 23.3 or to exclude them from the meeting under Rule 23.4;
- to suspend one or more Procedure Rules;
- to extend the time limit for speeches;
- to give any consent required by these Procedure Rules.

16.10 Closure motions

A Councillor who has not already spoken in the debate may move, without comment, the following motions at the end of a speech of another Councillor:

- to proceed to the next business;
- that the question be now put;
- to adjourn the debate; or
- to adjourn the meeting.

If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the closure motion to the vote.

If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he will put the closure motion to the vote.

If it is passed he will give the mover of the original motion a right of reply before putting his motion to the vote.

If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he will put the closure motion to the vote without giving the mover of the original motion the right of reply.

16.11 Point of order

A Councillor may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Councillor must indicate the

rule or law and the way in which he considers it has been broken. The ruling of the Chairman on the matter will be final.

16.12 Personal explanation

A Councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Councillor which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

17.STATE OF THE DISTRICT DEBATE

17.1 Calling of debate

The Leader will call a State of the District debate at the Autumn meeting of the full Council after the Annual Meeting in a form to be agreed with the Chairman of the Council.

17.2 Form of debate

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the State of the District debate.

17.3 Chairing of debate

The debate will be chaired by the Chairman of the Council.

17.4 Results of debate

The results of the debate will be:

- disseminated as widely as possible within the community and to agencies and organisations in the area; and
- considered by the Leader in proposing the Budget and Policy Framework to the Council for the coming year.

18.PREVIOUS DECISIONS AND MOTIONS

18.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the Notice of Motion is signed by at least ten Councillors.

18.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the Notice of Motion or amendment is signed by at least ten Councillors. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

However, this Rule shall not prohibit a Committee or The Cabinet from reconsidering such a proposal and submitting an appropriate recommendation to the Council.

18.3 Motion to change the Constitution

Any proposal to change the Constitution shall be by Notice of Motion signed by at least ten Councillors. Any such Notice of Motion shall stand referred, without discussion, to the Audit and Standards Committee which, after taking appropriate advice from the Monitoring Officer, will submit a report on any proposed changes to the Council for consideration.

19.VOTING

19.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Councillors voting and present at the time the question was put.

19.2 Chairman's casting vote

If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.

19.3 Show of hands

Unless a recorded vote is demanded as below, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

19.4 Recorded vote

If two Councillors present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be recorded in writing and entered into the Minutes.

Note: In accordance with the local authorities (Standing Orders) (England) (Amendment) Regulations 2014 recorded votes will be taken on all decisions affecting the level of Council Tax.

19.5 Right to require individual vote to be recorded

Where any Councillor requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

19.6 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a

new vote taken. The process will continue until there is a majority of votes for one person.

20.MINUTES

20.1 Signing the Minutes

The Chairman will sign the Minutes of the proceedings at the next suitable meeting. The Chairman will move that the Minutes of the previous meeting be signed as a correct record. The only aspect of the Minutes that can be discussed is their accuracy.

20.2 No requirement to sign Minutes of previous meeting at extraordinary meeting

Where the next meeting for the purpose of signing the Minutes would be an Extraordinary Meeting, then the next ordinary meeting will be treated as a suitable meeting for the signing of Minutes.

20.3 Form of Minutes

Minutes will contain all motions and amendments in the exact form and order the Chairman put them.

21.RECORD OF ATTENDANCE

An attendance sheet will be available at every meeting of the Council in which each Councillor present will enter his/her name, and this will be the official record of attendance.

22.EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 24 (Disturbance by Public).

23.COUNCILLORS' CONDUCT

23.1 Standing to speak

When a Councillor speaks at a meeting of the Council, they must stand (unless excused by the Chairman) and address the meeting through the Chairman. If more than one Councillor stands, the Chairman will ask one to speak and the others must sit. Other Councillors must remain seated whilst a Councillor is speaking unless they wish to make a point of order or a point of personal explanation.

23.2 Chairman standing

When the Chairman stands during a debate, any Councillor speaking at the time must stop and sit down. The meeting must be silent.

23.3 Councillor not to be heard further

If the Chairman considers a Councillor's conduct disorderly and so states to the Council, then he, or any other Councillor, may move that a Councillor shall not be heard further and, if seconded, the Motion shall be put to the vote without discussion. Disregarding the ruling of the Chairman, wilfully obstructing the proceedings of the Council, or behaving improperly, offensively or disruptively, shall, for these purposes, be considered disorderly.

23.4 Councillor to leave the meeting

If the Councillor continues to behave improperly after such a motion is carried, the Chairman may move that either the Councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

23.5 General disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

If a member has a Disclosable Pecuniary Interest as defined by the Council's Code of Conduct in any matter of business they shall leave the meeting room while the matter is being discussed and voted upon in addition to complying with any other requirements imposed by the code and/or legislative provision.

24.DISTURBANCE BY PUBLIC

24.1 Removal of member of the public

If a member of the public interrupts proceedings or disrupts the meeting, the Chairman will warn the person concerned. If they continue to interrupt or disrupt, the Chairman will request them to leave the room. If they do not leave the Chairman will order their removal from the meeting room or adjourn the meeting. Please also see Rule 26 on recording of meetings.

24.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

25.SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

25.1 Suspension

All of these Council Rules of Procedure except those under the heading of Rule 19.5 and 20.2 may be suspended by motion on notice, or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

25.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next meeting of the Audit and Standards Committee.

26.RECORDING OF MEETINGS

26.1 Although there is a statutory right to photograph and record Council meetings the proceedings of that meeting must not be disrupted by the use of media tools and must not inhibit community involvement in the proceedings.

26.2 Any member of the public, or of the media, wishing to photograph and / or audio or visually record a meeting is asked to comply with the following:

- any photography or audio / visual recording takes place from a fixed position in the meeting room approved by the Chairman so as to reduce disruption to the proceedings;
- use of flash photography or additional lighting is for a limited period only during the meeting at a point in the proceedings agreed in advance with the Chairman;
- if the Chairman feels that any photography, audio or visual recording is disrupting the meeting in any way, or any pre-meeting agreement has been breached, then the operator of the equipment will stop;
- if, during the meeting, a motion is passed to exclude the press and public, because confidential or exempt information is likely to be disclosed, then all rights to record the meeting are removed and the operator of the equipment will be required to stop recording and /or photography;
- if a meeting is adjourned by the Chairman then the operator of the equipment should stop any recording or photography at the point at which the meeting is adjourned;
- any request made by the Chairman regarding respecting the public's right to privacy is complied with;
- people seated in the public seating area should not be photographed, filmed or recorded without the consent of the individuals concerned. Public notices will confirm that recording may take place and it is for the public to inform the Council, or the person recording, if they object;
- use must not be made of an image or recording if consent is refused by a member of the public featured in that recording or image;
- photographs, audio, and visual recordings should not be edited in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being recorded in a way that may ridicule or show lack of respect.

26.3 Notices will be displayed in the room advising the public that meetings can be recorded legally. The Chairman will also make an announcement that the meeting will be photographed and /or recorded or filmed.

If, as a member of the public, you do not wish to be photographed, filmed or recorded, please inform the Democratic Services Officer in attendance at the

meeting or the Chairman of the relevant Committee when notice that a request to photograph/record has been received is given.

- 26.4 There are no restrictions placed on anyone at the meeting using Twitter, blogs, Facebook or similar "social media" provided that the Chairman does not consider their actions are disrupting the proceedings of the meeting.

If the Chairman feels the use of social media is disrupting the proceedings the Councillor, member of the public or media representative using social media may be required to stop.

If use continues the Chairman will ask the person to leave the meeting. If the person refuses to leave then the Chairman may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption.

Part 4 - Rules of Procedure

(2) The Cabinet Procedure Rules

Contents

1. Operation of The Cabinet
2. Conduct of Cabinet Meetings
3. Duration of Meeting
4. Declarations of Interest

Note: That for all purposes when computing time in relation to the Constitution, "clear days" be used and that for the avoidance of doubt a clear day is one when the Council offices are open to the public.

1. OPERATION OF THE CABINET

1.1 Making The Cabinet decisions

Subject to rule 1.2 below, The Cabinet may provide for Cabinet functions to be discharged by:

- The Cabinet as a whole;
- a Committee of The Cabinet;
- an individual member of The Cabinet;
- an officer;
- joint arrangements; or
- another local authority.

1.2 Delegation by the Leader

At the Annual Meeting of the Council, the Leader will present a document (known as The Scheme of Delegation for Executive Function to the Cabinet and Cabinet Members) containing the following information in relation to Cabinet functions for the coming Municipal Year: ~~to the Council a written record of delegations made.~~ [Leaders Statement](#).

~~The document presented by the Leader will contain the following information about Cabinet functions in relation to the coming year:~~

- the names and Wards of the ~~people~~ Councillors appointed to The Cabinet by the Leader;
- the extent of any authority delegated to Cabinet members individually, including details of the limitation on their authority;
- the terms of reference and constitution of such Cabinet Committees and Working Groups as The Cabinet or the Leader appoints and the names of Cabinet members appointed to them;
- the nature and extent of any delegation of Cabinet functions to any other authority or any joint arrangements and the names of those Cabinet members appointed to any joint Committee for the coming year; and
- the nature and extent of any changes to ~~existing~~ the Scheme of Delegations to Officers where it refers to Executive functions ~~with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.~~

Note: the Leader may amend the Scheme of Delegation for Executive Functions to the Cabinet and Cabinet Members at any time during the Municipal Year without referring back to Council or The Cabinet, subject to members being notified of any such changes.

1.3 Sub-delegation of Cabinet functions

- **Unless the Council directs otherwise**, where The Cabinet, a Committee of The Cabinet or an individual member of The Cabinet is responsible for a Cabinet function, they may delegate further to an individual Cabinet member (subject to any limitation on authority imposed by the Leader under Rule 1.2 or otherwise), joint arrangements or an officer.
- Unless the Council directs otherwise, if the Leader delegates functions to The Cabinet, then The Cabinet or an individual Cabinet member (subject to any limitation on authority imposed by the Leader under Rule 1.2 or otherwise) may delegate further to a committee of The Cabinet or to an officer (subject to any limitation on authority imposed by the Leader under Rule 1.2 or otherwise.)
- Unless the Leader directs otherwise, a Committee of The Cabinet to whom functions have been delegated by the Leader may delegate further to an officer.
- Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.4 The Council's Scheme of Delegation and Cabinet functions

- Subject to the following point below, the Council's scheme of delegation of The Cabinet function will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.
- If the Leader delegates Cabinet functions, he may amend the scheme of delegation relating to Cabinet functions at any time during the year. To do so, the Leader must give written notice to the Head of Paid Service and to the person, body or Committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, Committee or The Cabinet as a whole. The Head of Paid Service will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- Where the Leader seeks to withdraw delegation from a Committee, notice will be deemed to be served on that Committee when he has served it on its Chairman.

1.5 Conflicts of Interest

- Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

- If every member of The Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- If the exercise of a Cabinet function has been delegated to a Committee of The Cabinet, an individual member or an officer, and a conflict of interest arises, then the function will be exercised in the first instance by the person or body by whom the delegation was made.
- If a member of The Cabinet or any other member attending the meeting as an observer has a Disclosable Pecuniary Interest as defined by the Council's Code of Conduct in any matter of business they shall leave the meeting room while the matter is being discussed and voted upon in addition to complying with any other requirements imposed by the code and/or legislative provision. A Portfolio Holder shall not exercise any delegated authority to take a decision in respect of any matter in which they have such an interest.

1.6 Cabinet meetings

The Cabinet will meet in accordance with the timetable of the agreed calendar of meetings. The Cabinet shall meet at Elizabeth House, Church Street, Stratford upon Avon or another location to be agreed by The Cabinet.

1.7 Public meetings of The Cabinet

The Access to Information Rules in Part 4 of this Constitution set out the requirements covering public meetings.

1.8 Quorum

The quorum for a meeting of The Cabinet, or a Committee of it, unless otherwise stated, shall be one quarter of the total number of members of The Cabinet or three, whichever is the larger.

1.9 Decisions to be taken by The Cabinet

Unless further delegated in accordance with these rules, Cabinet decisions which have been delegated to The Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of this Constitution.

Where Cabinet decisions are delegated to a Committee of The Cabinet, the Rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by The Cabinet as a whole.

2 CONDUCT OF CABINET MEETINGS

2.1 Presiding at meetings

If the Leader is present he will preside. In his absence, the deputy Leader will preside. If neither is present then a person appointed by those present shall preside.

2.2 Attendance at meetings

The details are set out in the Access to Information Rules in Part 4 of this Constitution.

2.3 Business at meetings

At each meeting of The Cabinet the following business will be conducted:

- apologies for absence;
- declarations of interest, if any;
- approval of the Minutes of the last meeting;
- matters referred to The Cabinet (whether by the Overview and Scrutiny Committee or by the Council) for reconsideration by The Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- consideration of reports from the Overview and Scrutiny Committee;
- matters set out in the agenda for the meeting. However, no matter requiring a decision shall be considered unless it is subject to a written report available to all Members of The Cabinet;
- pass a resolution to exclude the public for any items involving the likely disclosure of exempt or confidential information; and
- any other exempt business on the agenda.

2.4 Consultation

All reports to The Cabinet from any member of The Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and the Overview and Scrutiny Committee, and the outcome of that consultation.

Reports about other matters will set out the details and outcome of consultation as appropriate.

The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 The right to put items on The Cabinet agenda

Any member of The Cabinet may require the Head of Paid Service to make sure that an item is placed on the agenda of the next available meeting of The Cabinet for consideration. If he receives such a request the Head of Paid Service will comply with the request.

The Head of Paid Service will make sure that an item is placed on the agenda of the next available meeting of The Cabinet where a relevant Overview and

Scrutiny Committee or the Council have resolved that an item be considered by The Cabinet.

Any member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of The Cabinet.

The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This individual member may at the discretion of The Cabinet be invited to attend the meeting, whether or not it is a public meeting.

The Monitoring Officer and/or the Section 151 Officer or Head of Paid Service may include an item for consideration on the agenda of a Cabinet meeting or may require the Leader to call such a meeting in pursuance of their statutory duties.

3 DURATION OF MEETING

Unless the majority of members present vote for the meeting to continue, any meeting that has lasted for three and a half hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Leader. If he does not fix a date, the remaining business will be considered at the next ordinary meeting.

4 PUBLIC PARTICIPATION

Members of the public are permitted to address The Cabinet if notice has been given in writing or by electronic mail to the Head of Paid Service no later than midday two clear (working) days before the day of the meeting. For example, if the meeting is to be held on a Monday the deadline would be midday the Wednesday before.

Each notice must give the name and address of the speaker.

At any one meeting speakers may only address The Cabinet on matters contained within the Agenda.

The speaker will be invited to address the meeting at the time the item they wish to make representations on is to be discussed, in accordance with the following procedure:

- A time allowance of three minutes for each member of the public to address The Cabinet be implemented: and
- If more than one person wishes to address the meeting on one particular subject, a maximum of five minutes would be allowed in total. Members of the public will be encouraged to nominate a spokesperson if they consider that they would not have sufficient time to express their points adequately.

The Head of Paid Service may reject a request to address The Cabinet if it

- is not about a matter for which the Council has a responsibility or which affects the District;
- is defamatory, frivolous or offensive;

- is substantially the same statement which has been put at a meeting of The Cabinet in the past six months; or
- requires the disclosure of confidential or exempt information.

Part 4 - Rules of Procedure

(3)Committee Procedure Rules (Rule 11)

11 PARTICIPATION OF COUNCILLORS AND PUBLIC IN PLANNING MATTERS APPLICATIONS

Members of the Planning Committee

11.1 A Councillor who is required to make a decision on a planning application or an enforcement matter may not do so where he/she has:

- Where the Member has not fulfilled the training requirements as may be prescribed by the Council for members of the Planning Committee;
- A disclosable pecuniary interest as defined by the Members' Code of Conduct;
- Some other personal interest as defined by the Members' Code of Conduct that prevents him/her from determining the application;
- Pre-determined the decision.
- In respect of matters that the Members' Code of Conduct would prevent or restrict him from determining, (whether as a disclosable pecuniary interest or any other personal interest) or where he/she has pre-determined the matter.

Members Submitting Planning Applications

11.2 A Councillor with a disclosable pecuniary interest (whether or not he/she is a member of the Planning Committee), having declared their interest in accordance with the Code of Conduct, shall be entitled to speak in relation to their own application, but must not participate in any debate on the matter or participate in any vote. affected by paragraph 11.1 above must act in accordance with the following principles:

11.3 In the case of a disclosable personal interest the Councillor, having declared the interest in accordance with the Code of Conduct, shall be entitled to speak on the matter, but must not participate in any discussion on the matter or participate in any vote, unless granted a dispensation by the Monitoring Officer. Members of the Committee may question the Councillor through the Chairman on points of clarification and fact once the Councillor has finished addressing the Committee. Once the Chairman has opened debate on an application, the Councillor must vacate the meeting room until such time as the application has been determined.

Members Acting as the Local Ward Member

11.4 The local Ward Member or a substitute Member nominated by him/her or the relevant Group Leader shall be entitled to speak on the application for up to five minutes. Members of the Committee may question the Member or substitute Member through the Chairman on points of clarification and fact once the Member has finished addressing the Committee. In any other case where paragraph 11.1 above applies, the Member shall ensure that he/she takes appropriate action as may be required by the Code of Conduct. In a case where a Member is entitled to speak on a matter, he/she shall be entitled to speak for up to 5 minutes, or may appoint a substitute to represent them.

Participation of Other Individuals, Groups or Bodies

- 11.5** A maximum of 30 minutes shall be allowed for public and Parish/Town Council participation in an application. The time allocation shall be divided equally between the Parish/Town Council, the applicant and supporters, and any objectors. In the event of a dispute concerning this provision, the ruling of the Chairman shall be final. ~~Generally it is advisable that~~ Time allocations should be agreed before the meeting and ~~that groups have~~ are encouraged to appoint ~~agreed on~~ a spokesperson.
- 11.6** Parish/Town Councils and any other person wishing to speak and submit any supporting documents in connection with a planning application must notify the Head of Paid Service or his/her nominated representative (committeemanagers@stratford-dc.gov.uk). To register and submit supporting documents, the deadline is no later than 2.00 p.m. two working days before the date of the meeting, or to register without supporting documents, the deadline is no later than 2.00 p.m. on the last working day before the date of the meeting at which the matter is to be discussed.
- 11.7** As part of his/her inherent jurisdiction, the Chairman has authority to invite an individual to speak again as part of the discussion and debate on what they have heard, to check facts or issues more broadly. In doing so, the Chairman will observe principles of natural justice, taking advice as necessary.
- 11.8** There is information on the Website and a leaflet explaining in detail how the public can participate in Planning meetings:
[Public Involvement in Planning Committee](#)

(7) Financial Procedure Rules

1. Introduction

In the following ~~Financial Procedure Rules~~ ~~Regulations~~:

The term "The Cabinet" will mean The Cabinet of District Councillors constituted under the Council's Constitution.

The title "Chief Officer" or "Chief Officers" will mean individually, or as appropriate collectively, the Head of Paid Service, an Executive Director and the Heads of Service.

The title "Chief Finance Officer" will mean the Officer appointed to have responsibility for the Council's financial affairs for the purposes of Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988.

The expression "Chief Officer" or "named Officer" will include any officer authorised as such by an Executive Director. Each Chief Officer will maintain a list of officers authorised to act on his behalf in each respect.

~~The term "Rule" or Rules" means these Financial Procedure Rules~~

~~The masculine gender shall, where the context so requires or admits, include the feminine gender.~~

The Cabinet may, from time to time, make amendments to these ~~Rules~~ ~~Financial Regulations~~ including revision of values or percentages.

2. General Financial Control

2.1 The Chief Finance Officer ~~of the Council~~, subject to the control of The Cabinet, will be responsible for the accounts and finances of the Council in every respect and as regards every department.

2.2 The Chief Finance Officer will, from time to time, make such recommendations to The Cabinet regarding the financial operations or accountancy systems of any department as may be necessary.

2.3 Every officer of the Council will comply with the provisions of these ~~Rules~~ ~~Financial Regulations~~.

2.4 The Chief Finance Officer will be responsible for maintaining an adequate and effective internal audit of the Council's accounting and financial transactions, including any procedures affecting the financial arrangements or the finances of the Council. The Chief Finance Officer will (where appropriate after consultation with the Chief Officer concerned) have authority to:

- enter at any reasonable times on any Council premises or land;
- have access at all times to all records, documentation and correspondence relating to any financial and other transactions of the Council;

- require and receive such explanations as are necessary concerning any financial matter under examination;
 - require any employee of the Council to produce on demand cash, stores and any other Council property under his control;
 - review, appraise and report on the adequacy and application of financial and other controls and the protection of the Council's property and assets against loss due to fraud, wasteful practices, extravagance, inefficient administration, poor value for money or other causes; and the suitability and reliability of financial and other management data within the Council.
- 2.5** All Chief Officers will, prior to the meeting of The Cabinet or any Committee, consult with the Chief Finance Officer on the financial aspect of proposals coming before The Cabinet or any Committee and will not, without prior consultation, advise on the method of financing any expenditure. A report will be withdrawn from The Cabinet or any Committee if comments provided by the Chief Finance Officer are not included.
- 2.6** All reports to the Council, The Cabinet or a Committee must be assessed for any financial implications. However, if items are raised during debate which are material to the decision and sufficient information is unavailable or cannot be assessed at the meeting these will be checked by the Chief Finance Officer as soon as possible after the meeting and if necessary referred back after discussion with the relevant Chairman.

3. Revenue expenditure and income

- 3.1** The Cabinet will consider a total net Revenue Budget for the Council, and within that total allocate that Budget to Services, based on decisions of the Council or Cabinet in respect of implementation of policies, on the previous year's Budget with a provision for inflation and/or growth where considered appropriate.
- 3.2** The Cabinet will consider the estimates of the Council, consider their effect on the Council's finances and will recommend the District Council's demand on the Collection Fund and the Council Tax to be levied, to the Council, in line with the Budget and Policy Framework described in Part 6.
- 3.3** The approval of the revenue estimates by the Council will be deemed to be authority for The Cabinet to incur net expenditure up to that approved limit. No commitment should be made beyond the total approved revenue budget except in accordance with 3.6 below or where the Council has approved a contract with expenditure spread over a defined number of years.
- 3.4** All expenditure and income within a main service will be under the responsibility and control of the Chief Officer responsible for the service, with the exception of ~~3.6.2~~ virement decisions taken by The Cabinet or a Portfolio Holder as specified within the Leaders Statement.
- 3.5** Virement (transfer of budget provision) delegations are set out in the Scheme of Delegations to Officers and the Leaders Statement. ~~procedures are summarised as follows:~~

- ~~All requests for virements for £30,000 and over between services but within a Chief Officer's departmental portfolio of services must be reported through Chief Officers' Management Team to The Cabinet. Below £30,000 and within the departmental portfolio of services a Chief Officer may vire without limit.~~
- ~~The Cabinet or Portfolio Holder acting under delegated powers may authorise virement between its services.~~

Details of all virement actioned will be notified to the Chief Finance Officer who will maintain a schedule for control purposes.

All requests for virements of £50,000 and over between services but within a departmental portfolio of services held by a Head of Service or Executive Director shall be reported through Senior Management Team to The Cabinet.

Notwithstanding the above points, any virement which commits to future expenditure must be submitted to The Cabinet for approval unless corresponding recurring savings are agreed by the Chief Officer concerned and the Chief Finance Officer.

- 3.6** Supplementary estimates to meet proposals to incur expenditure in excess of the Council's net Budget will only be granted in exceptional circumstances. All such requests will be made to The Cabinet who may recommend to Council for approval a supplementary estimate and financing.

4. Capital expenditure and income

- 4.1** Proposals for new capital projects will be reported to The Cabinet by the Chief Officer responsible for the project. The report will include a full appraisal, estimate of the capital costs, annual revenue costs and other relevant facts. The Chief Finance Officer will also report to The Cabinet on the financial implications of such capital projects.
- 4.2** Capital spend will operate on a corporate basis with reporting and monitoring to The Cabinet.
- 4.3** The Cabinet will consider the draft Capital Budget and programme and consider the financing and the effect on the Council's overall finances.
- 4.4** Corporate monitoring of the overall Capital Programme and spend will be by The Cabinet. Individual schemes will be monitored by The Cabinet as appropriate.
- 4.5** No Officer or The Cabinet ~~will incur any liability to~~ shall spend monies on capital projects unless the authority of the Council has been obtained after considering advice from the Chief Finance Officer on how that expenditure is to be financed.

5. Supervision of Expenditure

- 5.1** All Chief Officers will be responsible for keeping strict supervision over the expenditure of the Services under their control and advising The Cabinet of any proposed expenditure not included in the estimates, which, if incurred, would exceed the approved total estimates.

- 5.2** For the purposes of budgetary control, a report will be presented by the Chief Finance Officer to The Cabinet at least once every quarter in each cycle of meetings showing the net revenue and capital spending of The Cabinet for the year to date with attention drawn to significant exceptions of spending to Budget. In respect of services with high levels of income the report will include gross expenditure and gross income. An overall summary, on the same basis will be presented to The Cabinet for consideration. These reports are based on accruals accounting allowing for commitments for goods/services received but not yet invoiced.
- 5.3** After the close of each financial year, a statement with corresponding explanations will be submitted to The Cabinet by the Chief Finance Officer where he considers there are significant variations between actual net expenditure and approved estimates for each service.
- 5.4** The estimated cost of any work(s), goods or services for which provision was made in the estimates, which had not been commenced by the 31 March in each year, may be considered to be carried forward as slippage, subject to a report by the Chief Finance Officer to The Cabinet for their consideration.

6. Records and Contracts

- 6.1** The Chief Officer responsible will keep a record of all capital contracts within his control in a format agreed by the Chief Finance Officer who will make all payments on account of such contracts. The appropriate Chief Officer responsible will immediately after the signing of the contract or any sub-contract provide the Chief Finance Officer with an abstract setting out the relevant financial data.
- 6.2** Payments to contractors, on account, will be authorised only on a certificate signed by the appropriate Head of Service showing the total amount of the contract, the value of work executed to date (including authorised variations), the amount of retention money, the amount paid to date and the amount certified as due for payment.
- 6.3** Every variation, addition to, or omission from a contract will be specifically authorised in writing by the appropriate Head of Service responsible for the work and will be notified in writing to the Contractor by the Head of Service who will specify the individual rates of charge and the total cost of measured work, the estimated cost and the basis of charge. The aggregate of variations or additions which necessitate an increase in excess of 10% in the amount of an accepted tender or estimate will (unless the increase is less than £5,000) be reported to The Cabinet as soon as possible by the appropriate Head of Service.
- 6.4** Contractors' claims not clearly within the terms of any existing contract will be referred to the Monitoring Officer for consideration of the Council's legal liability and to the Chief Finance Officer for financial consideration before settlement is reached.
- 6.5** Where progress of a contract is significantly delayed and it appears that the contract period may be exceeded, it will be the responsibility of the Head of Service concerned to take appropriate action, including informing the Leader of the Council, and report his action to The Cabinet.

- 6.6** In every case before a Head of Service issues a final certificate of payment under a contract, the Chief Finance Officer will have a reasonable period in which to examine the agreed final account together with such documents as the Chief Finance Officer may consider necessary. The Head of Service will notify the Chief Finance Officer in writing on satisfactory completion of the maintenance period under a contract so that the retention money, if any, may be released.
- 6.7** Where contracts entered into by the Council are supervised and managed by persons other than the Council's own officers, the agreement with the person having control of the works will provide for similar consultation with the Chief Finance Officer and the right of access to records in order to carry out contract audit. The agreement will also provide that the Council may retain all such accounts, vouchers and documents until after the Council's accounts have been audited. These requirements will be written into any agreement with such persons as aforesaid.
- 6.8** In cases where the total cost of any work carried out under a contract exceeds 10% of the approved contract sum (unless the increase is less than £5,000) a report of such cost will, after agreement of the final account, be submitted by the Head of Service concerned to The Cabinet as soon as possible.

7. Ordering of Goods and Services

- 7.1** Chief Officers and Heads of Service will be responsible for obtaining tenders for the supply of goods and services throughout the Council's activities in accordance with the Council's Contract Standing Orders.
- 7.2** Heads of Service should seek to achieve value for money from all of their purchases. Value for money in this context means getting what is needed in the correct quality and quantity, at the right time and at the best price possible. Although price is not always the overriding factor in deciding which supplier to use it is invariably an important consideration.
- 7.3** Heads of Service should ensure ~~that, wherever feasible,~~ external orders are only raised through the Council's recognised ordering systems such as the e-procurement system. Specific guidance in relation to the ordering procedures will be provided by the Chief Finance Officer and it is required that all staff comply with these procedures.
- 7.4** The exceptions to the requirement to raise orders will be ~~utilities, rents, rates,~~ petty cash payments and goods order using the Corporate Credit Card operated under a scheme agreed with the Chief Finance Officer. Where urgency requires a verbal order, this should be followed up by a confirmatory order as soon as possible.
- 7.5** Ensure that orders are only used for goods and services provided to the department. Individuals must under no circumstances use official orders to obtain goods and services for their private use.

8. Payments to Employees and Councillors

- 8.1** The Chief Finance Officer will be responsible for ensuring that all employees salaries, wages and matters relating thereto are in accordance with the rates and conditions approved by the Council from time to time and that there is no unauthorised increase in the approved departmental establishments.
- 8.2** All proposals by a Chief Officer to change the establishment, salary levels and other personnel matters must receive prior agreement of the Head of Paid Service. The costs must be financed within the total budget of the Service on a recurring basis.
- 8.3** Staffing proposals which are considered by the Head of Paid Service to be significant and/or have a corporate effect will be submitted by the Chief Officer concerned to the Chief Officers' Management Team for support and then submitted to the appropriate Committee and The Cabinet. The Cabinet may implement the proposals if the costs can be financed within its total budget on a recurring basis.
- 8.4** All appointments, resignations, sickness or other circumstances affecting the remuneration of any employee will be notified promptly to the Chief Finance Officer by the Head of Paid Service.
- 8.5** All payments to employees and Councillors will be paid by bank transfer through arrangements made by the Chief Finance Officer.

9. Petty Cash Accounts

- 9.1** Petty cash imprests will be advanced to such Officers as may be determined by the Chief Finance Officer and will be of an amount determined by him. No single payment in excess of fifty pounds, or such other figure as may be determined from time to time by the Chief Finance Officer, will be made out of petty cash except by special arrangement with the Chief Finance Officer.
- 9.2** At the end of each month, or unless otherwise agreed by the Chief Finance Officer, petty cash records and supporting documents will be produced to the Chief Finance Officer for checking, after which petty cash floats will be reimbursed.
- 9.3** A value-added tax receipt must be obtained where a payment includes value-added tax.
- 9.4** All income must be banked on behalf of the Council (as provided in Financial Regulation 13.2) and not paid into any petty cash imprest account.
- 9.5** Chief Officers responsible for imprest accounts will, at 31 March each year, or at other times if requested, produce to the Chief Finance Officer a certificate as to the balance of that account.

10. Payment of Accounts

- 10.1** Every account submitted for payment will be certified by a Chief Officer. Such certification will confirm that the goods have been received, examined and approved or the work done has been satisfactorily completed and that the prices or charges are correct, the account has not been paid before, discounts and allowances have been deducted, and the account has been examined against the official order. The Chief Finance Officer will keep these procedures under review and will amend as necessary to incorporate changes in technology such as the e-procurement system.
- 10.2** In addition, the amount of the account will be allocated to the proper heading of expenditure and related to any specific Council minute authorising the expenditure.
- 10.3** All accounts duly certified will be processed within the department authorising the expenditure concerned and payment thereof will be made by the Chief Finance Officer at such intervals as he will determine.
- 10.4** The Chief Finance Officer may carry out such checks on the accounts as he deems necessary but prime responsibility for the accuracy of the payments remains with the Head of Service concerned. The Chief Finance Officer may check that all the prescribed procedures have been complied with and examine all supporting documents. No account will be approved for payment for which proper authority is not evident.
- 10.5** In order to facilitate early closing of final accounts, each Chief Officer will return to the Chief Finance Officer, on a date and in a form to be determined by him, a list of provisional creditors relating to works, goods or services supplied or received on or before the 31 March in a year for which no payment was made in the year's accounts.

11. Banking Accounts

- 11.1** The Chief Finance Officer will be responsible to arrange for the provision of the necessary banking facilities for the Council. Such arrangements will be in line with the approved Treasury Management Code of Practices and associated Treasury Management Practices.
- 11.2** Cheques drawn on the bank accounts of the Council shall bear the facsimile signature of the Chief Finance Officer or be signed by the Head of Paid Service, Chief Accountant (Capital), Chief Accountant (Revenue), Monitoring Officer or any other authorised signatory as determined by the Chief Finance Officer. The Chief Finance Officer will also be responsible for the procedures surrounding electronic banking facilities and payments.
- 11.3** Cheques will be ordered only by the Chief Finance Officer who will ensure arrangements for their safe custody.
- 11.4** All overdraft facilities and other banking transactions will be arranged by the Chief Finance Officer.

12. Corporate Credit Facilities

- 12.1** Corporate credit cards may be used for specific authorised Council business where necessary.
- 12.2** The Chief Finance Officer will be responsible to arrange for the provision and procedures of the Corporate Credit Facilities for the Council. Such arrangements will be in line with the approved Treasury Management Code of Practices and associated Treasury Management Practices.
- 12.3** Details and receipts for all expenditure charged to the credit card account shall be provided to the Chief Finance Officer as soon as possible.
- 12.4** The Chief Finance Officer shall maintain and issue detailed procedures for the use and control of the credit cards.

13. Income

- 13.1** Arrangements for the collection of all monies due to the Council will be subject to the prior approval and control of the Chief Finance Officer. Only duly authorised Officers will issue receipts for money received by the Council and no money will be received without an official receipt being issued (unless payment is being made by cheque and a receipt is not requested or is a direct bank transfer), such receipts only being in the form approved by and obtained from the Chief Finance Officer.
- 13.2** All monies received on behalf of the Council will, except where the Chief Finance Officer determines otherwise, be either paid to the Chief Finance Officer without delay or, subject to his instructions, banked in the Council's name in compliance with the latest Accounts and Audit Regulations. Such payments will be made daily unless the Chief Finance Officer determines otherwise. No deduction may be made from such monies paid over except as authorised by the Chief Finance Officer. All cash surpluses will be paid in and reported to the Chief Officer concerned and the Chief Finance Officer who will maintain a record of all cash surpluses and shortages. Third party cheques will not be acceptable otherwise than in circumstances prescribed by the Chief Finance Officer. Personal cheques will not be cashed out of money held on behalf of the Council, except under the permission of the Chief Finance Officer and in accordance with the Money Laundering Policy.
- 13.3** Particulars of all claims and all charges to be made for work done, services rendered or goods supplied by various departments of the Council and all other amounts due or claimed will be promptly notified to the Chief Finance Officer in a form prescribed by him. The appropriate Chief Officer will notify the Chief Finance Officer as early as possible of all monies due to the Council under contracts, leases, tenancy agreements, agreements for sale of property and other agreements involving receipt of money by the Council. All accounts for income due to the Council will be rendered by the Chief Finance Officer or as otherwise approved by him.
- 13.4** All books of accounts, and all official receipt forms or books, licences, tickets and all documents or vouchers representing receipts for money or money's worth, will be in the form approved by the Chief Finance Officer and will be ordered, controlled and issued by him, and all receipts and issues thereof will be properly recorded and acknowledged.

- 13.5** With the exception of charges of a minor nature, or where charges are fixed nationally, no revision of charges or assessment scales will be made except upon a report prepared by the Chief Finance Officer and the Chief Officer concerned and approved by The Cabinet.
- 13.6** In the event that the Chief Finance Officer or a Portfolio Holder makes reductions or allowances in accounts due (subject to any relevant delegation provided in the Leaders Statement or in the Scheme of Delegations to Officers) any such reduction or allowance above £1,000 will be reported to The Cabinet.
- 13.7** ~~The Cabinet~~ The Chief Finance Officer will be responsible for the general control of all arrangements dealing with income.

14. Stores Accounts

- 14.1** Each Chief Officer will be responsible for all stores and other property in his department. Records for such stores and property will be in such form as may from time to time be approved by the Chief Finance Officer. Chief Officers will provide the Chief Finance Officer with such information as may be reasonably required by him for the purpose of accounting and financial records.
- 14.2** Chief Officers will be responsible for carrying out a continuous stocktaking of all stores under their control and will submit to the Chief Finance Officer copies of the appropriate stocktaking records, duly certified. A certificate will be required for stock held on the 31 March each year. The Chief Finance Officer will carry out such checks on the stocks and accounting records as he considers necessary.
- 14.3** Each Chief Officer will maintain an inventory for his department of all items of equipment, furniture, plant-machinery, office machinery and similar property belonging to the Council where the value exceeds £50. Such inventories will be certified annually by each Chief Officer.
- 14.5** The Council's property will not be removed from the Council's premises otherwise than in the course of the Council's business and in accordance with specific directions issued by the Chief Officer concerned.

15. Insurances

- 15.1** The Chief Finance Officer will effect all insurance cover and negotiate all claims in consultation with other Chief Officers where necessary.
- 15.2** All Chief Officers will keep the Chief Finance Officer advised of all new risks and any alteration affecting existing risks and the amount of cover required. The responsibility for adequate insurance is with the Chief Officer concerned.
- 15.3** All Chief Officers will inform the Chief Finance Officer immediately on receipt or notification of an incident for which the Council may become liable, or of a claim against the Council. The Chief Officer concerned will also notify the Police where appropriate.
- 15.4** The Chief Finance Officer will keep a register of all insurances effected by the Council and will be responsible for making all claims upon the insurers.

- 15.5** All recipients of car allowances will, on request, produce to the appropriate Chief Officer and to the Chief Finance Officer if he requires such policies and/or premium receipts as may be necessary to show adequate cover against any liability of the Council arising out of official use.
- 15.6** The appropriate Chief Officers responsible for engineering plant will keep suitable records to ensure that inspections, which are normally made by an insurance company, are carried out within the periods prescribed by legislation. In the event of any failure to carry out the inspections within the prescribed periods, the Chief Finance Officer will be notified immediately.
- 15.7** The Chief Finance Officer will, annually, or at such other period as he considers necessary, review all insurances in consultation with other Chief Officers as appropriate.
- 15.8** Chief Officers will consult the Chief Finance Officer and the Head of Governance and Democracy in respect of the terms of any indemnity which the Council is requested to give.

16. Treasury Management

- 16.1** The Council operates with the recommendations of CIPFA's Treasury Management in the Public Services: Code of Practice (the CODE) as described in section 4 of that Code.
- 16.2** The Council will create and maintain:
- A treasury management policy statement, stating the policies and objectives of its treasury management activities, and
 - Suitable treasury management practices (TMPs), setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- 16.3** The Council will receive reports on treasury management policies, practices and activities including, as a minimum, an annual strategy and plan in advance of the year, and an annual report after its close, in the form prescribed in its TMPs.
- 16.4** The responsibility for the implementation and monitoring of its treasury management policies and practices is delegated to The Cabinet, and for the execution and administration of treasury management decisions to the Chief Finance Officer who will act in accordance with the organisation's policy statement and TMPs and, if he/she is a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.

17. Mortgages and Documentation

- 17.1** All mortgages, stock certificates or other documents being or representing securities will be held in the custody of the Chief Finance Officer.
- 17.2** All documents representing mortgages, stocks, bonds or other forms of borrowing will be in such form as will from time to time be agreed between the Chief Finance Officer and the Monitoring Officer, and the Common Seal of the Council will be affixed to any such documents which require to be

sealed.

18. Monies loaned by the Council

- 18.1** No monies of the Council will be loaned otherwise than in accordance with specific enactments and all such loans will be authorised by The Cabinet.

19. Security

- 19.1** Each Chief Officer will be responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash etc., under his control. The Head of Technical and Community Services will be responsible for maintaining proper security at all times in the Council's Offices, including the area offices. Each Chief Officer concerned will consult the Chief Finance Officer in any case where security is considered defective or where it is considered that special security arrangements may be needed.
- 19.2** Maximum limits for cash holdings will be agreed with the Chief Finance Officer and will not be exceeded without his express permission.
- 19.3** Keys to safes and similar receptacles are to be carried on the person of those responsible or stored in an approved place or cabinet; the loss of any such keys must be reported to the Chief Finance Officer immediately.
- 19.4** ~~The Chief Finance Officer will be responsible for maintaining proper security and privacy for information held in the computer and all Chief Officers will inform the Chief Finance Officer of all appropriate matters covered by Data Protection legislation. Chief Officers will be responsible for compliance with the Computer Misuse Act 1990 and will notify the Chief Finance Officer immediately of any suspected breaches of the Act.~~
- 19.5** An appropriate form of identification will be issued to each Member and Officer of the Council for the necessary performance of his duties.

20. Irregularities

- 20.1** The Chief Finance Officer will be notified immediately by the Chief Officer concerned of any circumstances which suggest the possibility of irregularities in cash, stores or other property of the Council or any suspected irregularity in the exercise of the functions of the Council which might have financial consequences. The Chief Officer will not carry out any further investigations unless agreed with the Chief Finance Officer. The Chief Finance Officer will, on confirmation that the irregularity appears to exist, inform the Head of Paid Service of the full circumstances.
- 20.2** Decisions on whether or not the police should be requested to investigate a suspected irregularity should normally be taken by the Head of Paid Service after consultation with the Chief Finance Officer, except in the circumstances in 20.3 below.

- 20.3** In cases of suspected robbery where it is necessary to call the police immediately, this should be done by the Chief Officer concerned who will then notify the Head of Paid Service and the Chief Finance Officer as soon as possible in liaison with the Chief Internal Auditor.
- 20.4** The Head of Paid Service will ensure that all employees have a copy of The Anti Fraud and Corruption Policy, the Code of Conduct for employees and the Whistle Blowing Policy. These all include information and guidance for employees regarding notification and appropriate action in relation to perceived financial or other malpractice by council employees, council contractors or council elected members. Chief Officers must ensure that the documents referred to above are received and understood by all employees. All employees are required to adhere to these policies and codes.

(9) Land Disposal Procedure Rules

Disposal of Land – Procedural Requirements

When disposing of land on behalf of the Council it is important that clear procedural rules exist and are followed, to ensure compliance with the law and proper standards of administration, and to protect members and officers from allegations of impropriety.

By applying these procedures the Council can ensure that it manages land disposals in a manner that is fair and transparent.

A disposal of land is a sale, or lease of land for at least a 7 year term.

For details of authority to act in relation to these Procedure Rules, please see the Scheme of Delegations to Officers.

NB – Any disposal by the Council to a Councillor or officer or a relative of such persons, or to any business or employment within which any such person is a director, partner, sole trader or employee, or in respect of which they have a financial interest, must be agreed by The Cabinet.

Best Consideration

The Council has a fiduciary duty to secure value for money and when disposing of land must normally ensure that it obtains best consideration, being the market value of the land as defined by the Royal Institute of Chartered Surveyors.

The obligation to secure best consideration means that if the Council receives a higher bid prior to exchanging contracts, it must decide whether to consider that bid. In making this decision the Council must explore as far as is reasonable the merits of the alternative bid, the level of uncertainty surrounding the bid and the risk of accepting that offer. All of these factors must be weighed in the balance against the value and certainty of the existing offer.

Consideration of alternative offers in these circumstances is likely to result in bad feeling and may result in a finding of maladministration if a bidder complains to the Local Government Ombudsman. To avoid this, the Ombudsman has advised that:

- The Council should advise at the outset, in writing, all interested parties that it may be obliged to consider a higher offer made before exchange of contracts;
- Where it is clear that a private auction is developing, all parties should be invited to make a final offer by a specified date;
- Acceptance of an offer should be subject to completion within a specified and limited timescale. It is important to remember that in a rising market, the valuation of best consideration will change quickly and a prompt completion will be necessary to avoid selling at an undervalue. Market conditions and the period for completion of the transaction should be addressed in any Cabinet report. Terms should not be finalised without a current valuation but the costs associated with delays in the sale (for example lost interest and remarketing) should be considered;
- Details of individual bids should not be disclosed to a bidder or potential bidder.

Sale At Less Than Best Consideration

In certain circumstances the Council has a power to dispose of land for less than best consideration without receiving the consent of the Secretary of State.

The first condition is that the difference between the *unrestricted value* of the land and the disposal price must be no more than £2,000,000.

The unrestricted value must be determined by a qualified valuer in accordance with the Technical Appendix to the General Disposal Consent (England) 2003. The unrestricted value is the best price reasonably obtainable for the land ignoring any reduction in value caused by any voluntary condition imposed by the Council.

The second condition is that the purpose for which the land is to be disposed of is likely to contribute to the achievement of promotion or improvement of the economic, social or environmental wellbeing of the whole or part of the district or some or all of its residents. In exercising the power, the Council must also have regard to its Community Strategy.

Any decision to dispose at less than best consideration must be taken by The Cabinet, or by Council if it is not within the budget and policy framework. Clear written advice must be provided to Councillors explaining the manner in which the economic, social or environmental wellbeing objectives will be advanced and why such objectives cannot be met without disposing at the proposed undervalue.

Other Statutory Considerations

The Purpose for Which the Land is Held

Prior to considering disposal at less than best consideration it is essential to identify the purpose for which the land is held as specific legal requirements may apply in addition to or instead of the General Disposal Consent.

For example, land that consists of or forms part of an open space cannot be disposed of unless the Council has published in a local newspaper for two consecutive weeks' notice of its intention and has considered any objections prior to making the decision. The Council should not commit itself in principle to dispose until after any objections have been considered by The Cabinet.

Land held for housing purposes under Part II of the Housing Act 1985 may be disposed of only under section 32 of that Act or in accordance with the right to buy provisions under Part V of that Act. The Secretary of State has issued the General Housing Consents 2013 (including The General Consent for the Disposal of Land held for the purposes of Part II of the Housing Act 1985 – 2013) by which consent is given (subject to certain exceptions) for the disposal of land at a consideration equal to its market value and for other specified disposals.

Land that is held for planning purposes cannot be disposed of for less than best consideration unless the Secretary of State consents to the disposal.

If the land is no longer required for the purpose for which it was acquired, The Cabinet may authorise it to be appropriated for an alternative use (providing this is within the budget and policy framework).

State Aid

A disposal of land at an undervalue is capable of amounting to state aid. State aid applies where public funds can be said to subsidise an undertaking in some way, and subject to certain exceptions it is generally unlawful.

Total aid received by an undertaking over a three year period is exempt as *de minimis* if it does not exceed €200,000.

The European Commission has issued guidance in respect of land sales and state aid.

Where a sale results from a well-publicised, open and unconditional bidding procedure, acceptance of the best bid will be deemed to be a realisation of market value and the sale will be deemed not to contain state aid.

However, the risk of state aid will be higher in an off market disposal. A market valuation must first be carried out in accordance with the Technical Appendix to the General Disposal Consent. If, after a reasonable effort to sell it is clear that the value set by the valuer cannot be obtained, a divergence of up to 5% from the market value can be deemed to be in line with market conditions, and it will be presumed not to involve state aid.

If neither the *de minimis* nor the 5% margin rules apply then state aid may be included in the sale. Further legal advice should be taken in such cases.

Planning Permission

Where it is intended to sell land with an expectation that it will subsequently be developed consideration should be given to securing planning permission prior to the sale. This will help forestall criticism that by selling the land with development potential, the Council has fettered its discretion when considering a later application.

In any event the Council must ensure that there is a strict separation between officers involved in a land sale and those involved in the planning process. The Council must demonstrate that in considering a planning application, whether before or after a sale, it is not influenced by the extent which it will or has benefited as a landowner.

Options

Where the Council wishes to grant an option, or an option holder wishes to exercise their option on land which the Council holds, the Council will need to consider whether the consideration for either the grant or exercise of the option will result in a discount. In relation to the exercise of an option this will depend on the valuer's assessment of whether, if the option were to be exercised, the terms would be likely to require the Council to accept less than the best price that could reasonably be obtained for that interest at the time of disposal and, if so, whether that would fall within the terms of the Consent. If, as a result of valuation advice, the Council wished to seek specific disposal consent, it would provide the Secretary of State with full details of the terms of the option agreement which is to be entered into or implemented.

Marketing and Sale of Land

Choice of Procedures

Except for transactions below £125,000, the choice of procedure should be authorised by the Portfolio Holder or The Cabinet depending on the value of the transaction. The decision must contain details of the professional advice and the reason why the particular procedure was adopted.

Private Treaty

A sale by private treaty occurs where negotiations are carried out between the Council and a prospective purchaser(s) privately and normally without a time limit for exchange of contracts. This is a flexible and straightforward approach to land sale but its informality can increase suspicions of unfair dealing and cause difficulties in demonstrating that best consideration has been obtained.

Sales by Private Treaty should only be done where the sale is within the delegated power of the Head of Resources, unless Cabinet approval is granted. In such cases The Cabinet report must set out the justification for the use of this procedure.

Informal Tendering

A sale by informal tender occurs where offers are invited but without a firm closing date and offers are opened when they are received. The advantage of this approach is that it allows the Council to invite bidders to submit revised bids from tenderers and may result in a higher final price being agreed than if a sealed tender process is used. This procedure should be used by exception and tenderers should be advised at the outset. In addition, all parties must be given a final deadline to submit best and final offers.

Sealed Tender

Tenders are invited before a specific date and must be returned in a sealed envelope. All tenders are opened together. This process is objective and transparent

Negotiations with Potential Purchasers

Councillors should not be involved in individual negotiations which should take place with at least two officers or advisors present. The separation of the officer and Member functions is particularly important in relation to land sales as it ensures that there is a formal division between the decision to sell and the procedure for securing the sale on the one hand (Member function for land over 125,000 in value), and the negotiations over terms on the other (an officer function). This separation of functions helps ensure that officers and Members are safeguarded from suspicion of impropriety.

COUNCIL
16 JULY 2018

Report of: **The Cabinet**
Date: **4 June 2018**
Chairman: **Councillor S Thirlwell**

A meeting of The Cabinet was held on 4 June 2018 at which the following item had been considered and referred to the Council for determination.

Copies of the relevant report are available from Committee Services (telephone 01789 260245; email committeemanagers@stratford-dc.gov.uk) or can be viewed at [GDPR](#)

Minute 49 - General Data Protection Regulation ("GDPR")

The General Data Protection Regulations (GDPR) required the Council to have certain data protection policies in place and to ensure that technical and organisational measures were ready to ensure data protection compliance.

Consideration was therefore given to the Data Retention Policy, Retention and Destruction Policy and ICT Code of Practice submitted for consideration.

The options open to The Cabinet were to approve, amend or reject the policies.

Accordingly, it was

RECOMMENDED: To Council

That the Data Protection Policy, Retention and Destruction Policy and ICT Code of Practice be adopted.

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COUNCIL
16 JULY 2018

Report of: **The Cabinet**
Date: **4 June 2018**
Chairman: **Councillor T Jefferson**

A meeting of The Cabinet was held on 4 June 2018 at which the following item had been considered and referred to the Council for determination.

Minute 50 – Notice of Motion – Corporate Priorities

Councillor Jefferson – Leader of the Council

Consideration was given to the following Notice of Motion, in the names of Councillors Moorse and Fradgley that had been presented to the Council meeting on 24 April 2018:

At The Cabinet meeting on 9th April The Cabinet agreed to prepare detailed business cases on a number of potential projects. Council requests that The Cabinet consider the additional items below:

- 1. The proposed route and design of the South Western Relief Road is causing distress to a number of residents in the Luddington Road, Stannells Close area. A major concern is that should they need to move house for any reason the value and saleability of their property is currently impaired because of the proposals. The recent response of this council on the compensation / blight issue has not resolved those concerns, since it only appears to address the situation from a long term point of view, if at all.*
- 2. A review to be carried out to examine whether a scheme can be designed, preferably in conjunction with the county council and Cala Homes, to assist those residents who wish or need to move, to place them in no worse a position than before the scheme was announced.*
- 3. The Stratford Town Trust is currently seeking proposals from community and other bodies for the future running of the ArtsHouse. It is understood that one possible difficulty that may be encountered by any group taking over the Artshouse is that the fittings, for example the seating and lighting, are in the ownership of the Artshouse Trust, who may wish to realise the value of these items.*
- 4. Since these are essential for the running of the premises as a community arts venue, to examine the case for the District Council to temporarily purchase these fittings, thus allowing any new Artshouse operation to operate from day one.*
- 5. A number of this District Council's playgrounds are looking tired, outdated and in need of refurbishment. Carry out a review to determine what*

needs to be done, particularly to ensure all safety requirements are being met. Propose options for improvements at varying levels of spending, eg what could be done for £50,000, £75,000, £100,000 etc.

6. *This Council's Core Strategy recognises Stratford's town centre as a shopping and service centre of sub-regional importance – the only such centre in the District.*
7. *The increasing pressures on the retail sector are widely recognised and it is therefore important that the public realm in the centre of town is maintained in a state which enhances the shopping experience. In some areas of the town the state of the pavements and other features no longer meet these requirements.*
8. *Therefore, as an initial proposal, and in conjunction with Warwickshire County Council, examine what steps can be taken to improve the pavements and public realm in the town centre in a manner that complies with the draft Neighbourhood Plan, thus contributing to all three of the objectives in this Council's Corporate Strategy.*
9. *When local communities or organisations apply for lottery or grant funding it is sometimes a requirement that match funding or support from a Local Authority can be demonstrated. Examine the business case for setting aside a fund to assist in such circumstances.*

At the invitation of The Leader, Councillor Moorse addressed the meeting in support of the Notice of Motion. He explained that as the future of the Artshouse had now been secured he would focus on point 1 as the critical issue. Councillor Moorse, reiterated his concern for residents who may be 'forced' to move prior to the final compensation scheme being in force for those properties blighted by the proposed South Western Relief Road (SWRR). He called for Officers to give consideration to a compensation scheme and for this Council to take the lead.

Councillor Fradgley also addressed The Cabinet in support of the above issue. At the invitation of The Leader, Mr Tom Baxter addressed the meeting in respect of point 1 and his general concern of the proposal for the SWRR.

The options open to The Cabinet were to:

1. consider the content of the Motion at the meeting without the benefit of a report from the officers on the implications to the Council of accepting or rejecting the Motion;
2. defer consideration of the Motion to await reports from the officers to the next available meeting of The Cabinet; or
3. refer the Motion to the Overview and Scrutiny Committee for consideration and report back to The Cabinet.

Accordingly, following discussion and in view that The Cabinet considered that there was adequate measures in place at the moment to address the compensation issue via the Steering Group and/or planning process and also Warwickshire County Council, it was

RECOMMENDED: To Council

That the Notice of Motion be rejected for the above reasons.

COUNCIL
16 JULY 2018

Report of: **The Cabinet**
Date: **2 July 2018**
Chairman: **Councillor D Pemberton**

A meeting of The Cabinet was held on 2 July 2018 at which the following item had been considered and referred to the Council for determination.

Copies of the relevant report are available from Committee Services (telephone 01789 260245; email committeemanagers@stratford-dc.gov.uk) or can be viewed at

[Canal Quarter Regeneration SPD](#)

Minute 135 - Canal Quarter Regeneration Zone Framework Masterplan Supplementary Planning Document

*Councillor D Pemberton - Planning and Building Services Portfolio
(presented by Councillor Jefferson – Leader of the Council)*

The Cabinet was presented with the final version of the Canal Quarter Regeneration Zone Framework Masterplan Supplementary Planning Document (SPD) as amended, following consultation.

Core Strategy Policy SUA.1 required the Council to prepare a framework masterplan to assist in the delivery of the Canal Quarter Regeneration Zone in Stratford-upon-Avon and the purpose of the SPD was to provide more detail on the design principles for the regeneration of the area and set out a masterplan framework to guide the way in which development could come forward.

The SPD was structured into four chapters and the masterplan itself derived from four interconnected themes of connectivity, green and blue infrastructure, vitality and public realm:

- Introduction – including location, background and purpose of SPD, and stakeholder engagement;
- Context – situation, route structure, townscape and land use;
- Framework masterplan – vision, themes, masterplan and key design principles; and
- Delivery – relocation of businesses, site constraints, utilities, phasing and monitoring.

The former Leader's Policy Advisory Group had endorsed a consultation draft masterplan SPD at its meeting on 14 December 2017 which had been duly consulted on. A total of 31 representations had been received from statutory agencies, individuals, businesses, specialist bodies and Parish Councils. A schedule analysing all of the comments and responses was attached as Appendix 1 to the agenda report.

On the basis of the analysis, a revised version of the SPD had been prepared and in considering this The Cabinet acknowledged that there had not been any significant changes. However, more emphasis had now been given to the way in which green (and blue) infrastructure, biodiversity, and footways/cycleways were to be incorporated into the development. More detail had also been provided on how the success of the SPD would be monitored. The opportunity had also been taken to update the SPD where appropriate, such as regarding the Examination of the Stratford-upon-Avon Neighbourhood Development Plan.

In terms of land uses the masterplan had also been amended to take on board comments received and the realities of bringing forward regeneration. It sought to focus the mix of uses on the two identified nodes, although it didn't preclude different uses across the whole site. Clarity was also provided in respect of employment uses in that the 9,000 square metres could be provided throughout the Canal Quarter as well as acting as a transition from neighbouring commercial areas into the Canal Quarter itself.

Going forward various actions had been proposed such as the formation of a Business Forum to keep businesses in the Canal Quarter fully informed and continue the useful two-way dialogue which had been ongoing. The Council had a continuing and important role in terms of infrastructure delivery to work with developers and stakeholders to deliver key pieces of infrastructure to support the regeneration.

The production of the SPD had followed a rigorous technical process which involved local Members and the Town Council and other organisations at various stages. The public consultation exercise provided an opportunity for interested parties to comment on the Draft SPD and it had been amended as appropriate.

Councillor Moorse then addressed the meeting and he was provided with an update on the following points he raised:

- The current situation with the proposed railway museum site
- The advancement of The Gateway project
- Stratford-upon-Avon College re-development proposals

The options available to The Cabinet were:

- 1) To recommend to Council that the SPD was adopted incorporating all the proposed amendments identified;
- 2) To request that further amendments were made to the SPD before it was recommended for adoption by Council; or
- 3) To not recommend to the Council that the Framework Masterplan SPD is adopted.

The Cabinet acknowledged that the SPD provided a flexible framework to deliver a key objective of this Council. Without the SPD there was a risk that development either may not come forward or may come forward in an uncoordinated and unplanned way, without the wider benefits to the public realm. Also that the content of the SPD was consistent with policies in the Core Strategy and would provide the necessary basis for considering future planning applications.

Accordingly, it was

Recommended: To Council

That Council approve the changes identified and formally adopt the Canal Quarter Regeneration Zone Framework Masterplan Supplementary Planning Document.

NOTE: This item is not subject to call-in to the OSC as is a recommendation to Council.

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COUNCIL
16 JULY 2018

Report of: **Audit and Standards Committee**
Date: **25 June 2018**
Chairman: **Councillor J Harris**

A meeting of Audit and Standards Committee was held on 25 June 2018 at which the following item had been considered and referred to the Council for determination.

Copies of the relevant report are available from Committee Services (telephone 01789 260245; email committeemanagers@stratford-dc.gov.uk) or can be viewed at [Community Governance Review](#)

Minute 121 - Community Governance Review for Gaydon Lighthorne Heath

The Committee was presented with a report requesting that consideration be given to a Stage 1 Community Governance Review to change parish boundaries affecting Gaydon, Lighthorne, Lighthorne Heath and Chesterton and Kingston parishes. It also sought to increase the number of Parish Councillors for Lighthorne Heath Parish Council and Lighthorne Parish Council.

The proposals agreed between the parishes and submitted to the Council were that:

- Stratford-on-Avon District Council undertake a Stage 1 Community Governance Review of the Gaydon Lighthorne Heath development area;
- the parish boundaries in the area be changed in accordance with the map attached at Appendix 2;
- the governance of the new development area be with Lighthorne Heath Parish Council;
- the number of Parish Councillors for Lighthorne Heath Parish Council be increased from 5 to 8;
- the number of Parish Councillors for Lighthorne Parish Council be increased from 5 to 6;
- the new arrangements come into effect from the quadrennial elections in May 2019;
- a second Community Governance Review only be undertaken by Stratford-on-Avon District Council at the request of the Parish Councils in the area once the development has reached an appropriate stage.

The options open to the Committee were to:

1. recommend to Council that the Community Governance Review be commenced;

2. recommend to Council to reject the request for a Community Governance Review; or
3. request more information before making a recommendation to Council.

In considering the options, the Committee endorsed the proposal and

RECOMMENDED to Council

- (1) That the Community Governance Review for Gaydon Lighthorne Heath commence in accordance with the Terms of Reference as outlined in Appendix 1 to the report; and**
- (2) That a report be made to Council on 17 December 2018 with final recommendations.**